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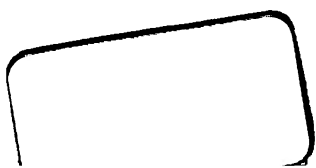
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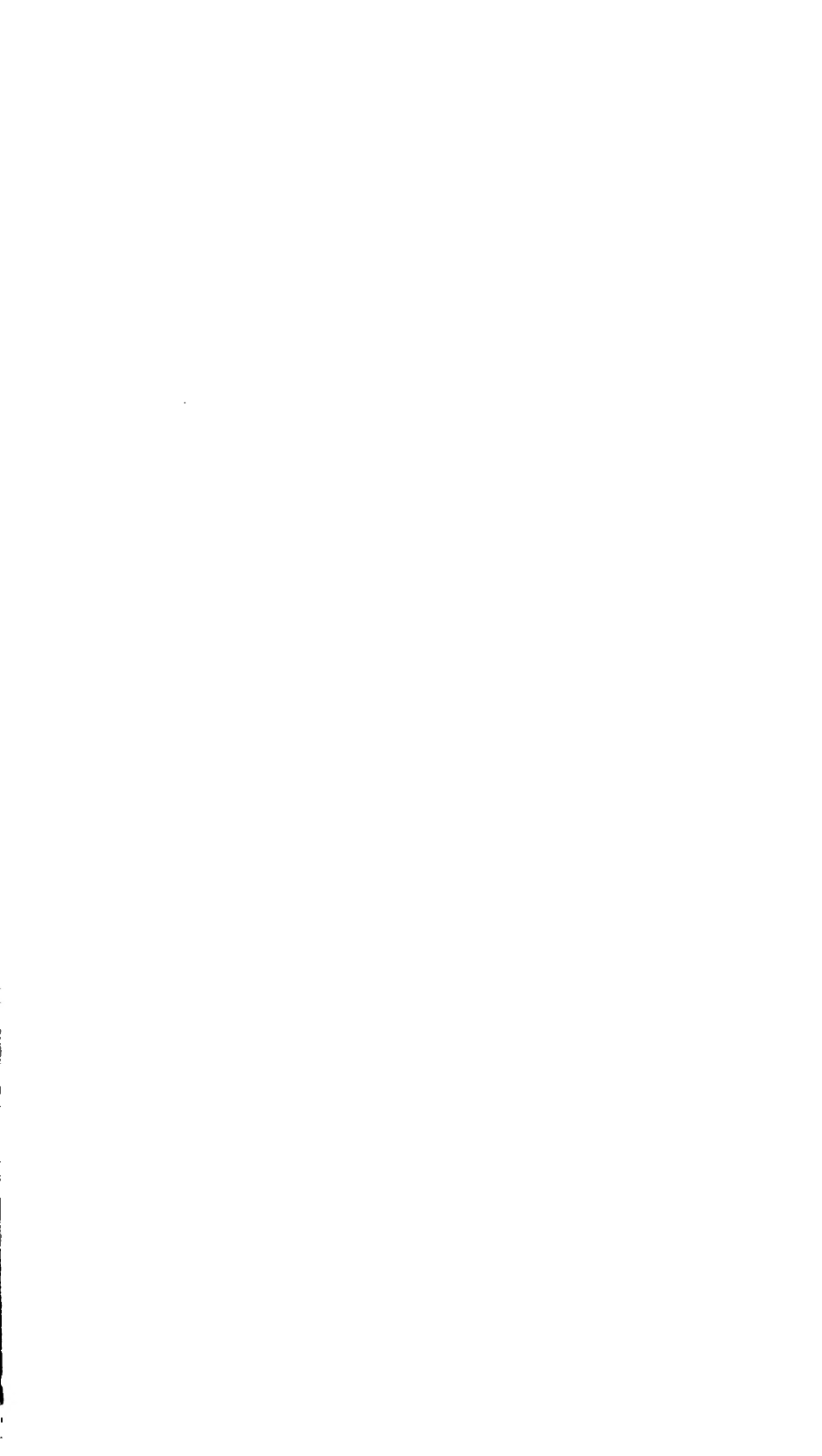
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# JOURNAL

OF THE

## Senate of the State of California,

AT THE

TWELFTH SESSION OF THE LEGISLATURE,

BEGUN ON

THE SEVENTH DAY OF JANUARY, 1861, AND ENDED ON THE TWENTIETH  
DAY OF MAY, 1861, AT THE CITY OF SACRAMENTO.



SACRAMENTO:

PRINTED BY C. T. BOTTS, STATE PRINTER

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1861.



L14626  
JUN 20 1938

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BOUND BY F. FOSTER, SACRAMENTO.

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.



# CALIFORNIA LEGISLATURE---IN SENATE.

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## TWELFTH SESSION.

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SENATE CHAMBER,  
Monday, January 7th, 1861. }

Pursuant to the provisions of the Constitution of the State, the Senate was called to order at 12 o'clock, m. by the Hon. I. N. Quinn, President of the Senate.

The roll of Senators holding over was called by the Secretary, and the following gentlemen answered to their names:

Messrs. Chase, Clark, Crittenden, De la Guerra, Dickinson, Eagon, Edgerton, Franklin, Haynes, Leet, Logan, Parks, Pico, Ryan, Sharp, Watkins, Watson, and Vance.

By direction of the President, the roll of Senators elect was called, and the following gentlemen answered to their names, to wit:

Messrs. Burbank, DeLong, Denver, Gallagher, Harvey, Heacock, Hill, Irwin, Parks, Rhodes, Shafter, Thomas, Thornton, Warmcastle, Watt, and Williamson.

Absent—Messrs. Merritt and Pico.

Mr. Leet offered the following resolution:

*Resolved*, That a committee of two be appointed to wait upon the Hon. J. H. Hardy, and to invite him to administer the oath of office to the members.

Adopted.

The President appointed Messrs. Leet and Eagon on such committee. The committee returned with the Hon. James H. Hardy, who administered the oath of office to the Senators elect.

Mr. Logan offered the following resolution:

*Resolved*, That the Standing Rules of the last Senate be adopted by this

Senate until further ordered, and that a committee of three be appointed by the President to report suitable rules for the government of this body.

Adopted.

Mr. Crittenden moved to go into an election for permanent President of the Senate.

Pending which, Mr. Chase moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Clark, Chase, and Leet, and taken with the following result: Ayes, 16—noes, 17:

**AYES**—Messrs. Chase, Clark, DeLong, Denver, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Sharp, Thomas, Watkins, Watson, and Watt—16.

**NOES**—Messrs. Burbank, Crittenden, De la Guerra, Dickinson, Eagon, Franklin, Gallagher, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Thornton, Vance, Warmcastle, and Williamson—17.

So the motion was lost.

Mr. Clark moved to amend by electing all the officers of the Senate.

Upon which the ayes and noes were demanded by Messrs. Sharp, Vance, and Leet, and taken with the following result: Ayes, 16—noes, 17:

**AYES**—Messrs. Chase, Clark, DeLong, Denver, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Sharp, Thomas, Watkins, Watson, and Watt—16.

**NOES**—Messrs. Burbank, Crittenden, De la Guerra, Dickinson, Eagon, Franklin, Gallagher, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Thornton, Vance, Warmcastle, and Williamson—17.

So the motion was lost.

Mr. Sharp moved to lay the motion on the table.

Upon which the ayes and noes were demanded by Messrs. Eagon, Leet, and Gallagher, and taken with the following result: Ayes, 16—noes, 17:

**AYES**—Messrs. Chase, Clark, DeLong, Denver, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Sharp, Thomas, Watkins, Watson, and Watt—16.

**NOES**—Messrs. Burbank, Crittenden, De la Guerra, Dickinson, Eagon, Franklin, Gallagher, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Thornton, Vance, Warmcastle, and Williamson—17.

So the motion was lost.

Mr. Ryan moved the previous question.

The question being, shall the main question now be put, the ayes and noes were demanded by Messrs. Logan, Eagon, and Dickinson, and taken with the following result: Ayes, 17—noes, 16.

So the main question was sustained.

The election of President being in order—

#### FOR PRESIDENT.

Mr. Ryan nominated Mr. De la Guerra.

Mr. Vance nominated Mr. Watkins.

Nominations being closed, the roll was called with the following result: De la Guerra, 22—Watkins, 10:

Names.	De la Guerra.	Watkins.
Burbank .....	1	
Chase .....		1
Clark .....		1
Crittenden.....	1	
DeLong.....		1
Denver.....		1
Dickinson .....	1	
Eagon.....	1	
Edgerton .....		1
Franklin .....	1	
Gallagher.....	1	
Harvey.....		1
Haynes.....	1	
Heacock.....	1	
Hill .....	1	
Irwin.....		1
Leet.....		1
Logan.....		1
Parks .....	1	
Phelps.....	1	
Rhodes.....	1	
Ryan.....	1	
Shafter.....	1	
Sharp.....		1
Thomas.....	1	
Thornton .....	1	
Vance .....	1	
Warmcastle.....	1	
Watkins.....	1	
Watson.....	1	
Watt.....	1	
Williamson .....	1	
Totals.....	22	10

Mr. Watkins voted for Mr. De la Guerra.

Mr. De la Guerra having received a majority of the votes cast, was declared duly elected.

Mr. Leet moved that the Senate proceed with the election of officers in the following manner:

1. Secretary.
2. Assistant Secretary.
3. Enrolling Clerk.
4. Engrossing Clerk.
5. Sergeant-at-Arms.
6. Assistant Sergeant-at-Arms.

Upon which the ayes and noes were demanded by Messrs. Clark, Leet, and Eagon, and taken with the following result: Ayes, 16—noes, 17:

Ayes—Messrs. Burbank, Chase, Clark, DeLong, Denver, Dickinson

Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Parks, Thornton, and Watkins—16.

Noes—Messrs. Crittenden, De la Guerra, Eagon, Edgerton, Franklin, Gallagher, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Warmcastle, Watson, Watt, and Williamson—17.

So the motion was lost.

On motion of Mr. Clark, a committee of three was appointed to wait upon Mr. De la Guerra and inform him of his election.

The President appointed Messrs. Clark, Eagon, and Watson, on such committee.

The committee returned with Mr. De la Guerra, who was introduced to the Senate by the Hon. I. N. Quinn, who made the following remarks:

*Gentlemen of the Senate:*

I accept the honorable position to which your generous confidence has called me with a great distrust of my ability to fitly discharge its duties. I shrink not, however, from the responsibility, because I anticipate and repose upon the courtesy and genial support with which the Senate has uniformly and cheerfully sustained its presiding officer.

Be pleased, therefore, gentlemen, to accept my grateful acknowledgment of the honor you have conferred upon me, and receive with it the hearty assurance that it will be my purpose and my pride to discharge my duties with fidelity and impartial integrity.

Allow me to express the hope that the session upon which we are entering will be characterized by industry, harmony, wise legislation, and, above all, by such a marked devotion to the Union, that our young State shall help to reproduce, in these days of discord, that fraternal spirit of "amity, mutual deference, and concession," in which the Government of the Union was established, and by which alone it can be kept from utter dissolution.

The President appointed Messrs. Logan, Phelps, and Clark, a Committee on Rules.

On motion, the Senate adjourned to 11 o'clock to-morrow.

I. N. QUINN,  
President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 8th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Mr. Pico.

Journal of yesterday read and approved.

Mr. Merritt, Senator elect, came forward, presented his credentials, and was sworn in.

Mr. Leet offered the following resolution:



*Resolved*, That the Senate proceed to the election of officers in the following order:

1. President *pro tem*.
2. Secretary.
3. Assistant Secretary.
4. Enrolling Clerk.
5. Engrossing Clerk.
6. Sergeant-at-Arms.
7. Assistant Sergeant-at-Arms.

Adopted.

FOR PRESIDENT PRO TEM.

Nominations being in order for President *pro tem*.—

Mr. DeLong nominated for President *pro tem*. R. Irwin.

Mr. Rhodes nominated E. H. Heacock.

There being no other nominations the roll was called, with the following result: Irwin, 22—Heacock, 4;

Names.	Irwin.	Heacock.
Burbank.....		1
Clark.....	1	
DeLong.....	1	
Denver.....	1	
Dickinson .....	1	
Edgerton .....	1	
Franklin .....	1	
Gallagher.....	1	
Harvey.....	1	
Haynes.....	1	
Hill.....	1	
Leet.....	1	
Logan .....	1	
Parks.....	1	
Phelps .....		1
Rhodes.....		1
Ryan.....	1	
Shafter.....		1
Sharp .....	1	
Thomas .....	1	
Thornton .....	1	
Vance.....	1	
Warmcastle.....	1	
Watt .....	1	
Williamson .....	1	
Mr. President.....	1	
Total.....	22	4

Messrs. Watson and Irwin voted for Mr. Clark.

Mr. R. Irwin having received a majority of all the votes cast, was declared duly elected.

FOR SECRETARY.

Nominations for Secretary being next in order—

Mr. Haynes nominated Charles W. Tozer.

Mr. Shafter nominated B. F. Perkins.

Mr. Crittenden nominated J. R. Beard.

Nominations being closed the roll was called, with the following result: Tozer, 21; Perkins, 5; Beard, 6:

Names.	Tozer.	Perkins.	Beard.
Burbank.....		1	
Clark .....	1		
Crittenden .....			1
DeLong .....	1		
Denver.....	1		
Dickinson.....			1
Eagon .....			1
Edgerton .....	1		
Franklin.....	1		
Gallagher.....	1		
Harvey .....	1		
Haynes.....	1		
Heacock .....		1	
Hill .....	1		
Irwin .....	1		
Leet .....	1		
Logan .....	1		
Merritt.....			1
Parks.....			1
Phelps.....		1	
Rhodes.....		1	
Ryan .....	1		
Shafter.....		1	
Sharp.....	1		
Thomas .....	1		
Thornton.....	1		
Vance .....	1		
Warmcastle .....	1		
Watson .....	1		
Watt.....	1		
Williamson.....			1
Mr. President.....	1		
Total.....	21	5	6

Mr. Tozer having received a majority of all the votes cast, was declared duly elected.

#### FOR ASSISTANT SECRETARY.

Nominations for Assistant Secretary being next in order—

Mr. Logan nominated David J. Williamson.

There being no other nominations the roll was called, with the following result: Williamson, 27:

Names.	Williamson.
Burbank.....	1
Clark.....	1
DeLong.....	1
Denver.....	1
Dickinson.....	1
Edgerton.....	1
Gallagher.....	1
Harvey.....	1
Haynes.....	1
Hill.....	1
Irwin.....	1
Leet.....	1
Logan.....	1
Merritt.....	1
Parks.....	1
Phelps.....	1
Rhodes.....	1
Ryan.....	1
Shafter.....	1
Sharp.....	1
Thomas.....	1
Thornton.....	1
Vance.....	1
Warmcastle.....	1
Watson.....	1
Watt.....	1
Mr. President.....	1
Total.....	27

Mr Williamson having received a majority of all the votes cast, was declared duly elected.

#### FOR ENROLLING CLERK.

Nominations for Enrolling Clerk being in order, the roll was called, with the following result:

Names.	Gorham.
Burbank.....	1
Clark.....	1
DeLong.....	1
Denver.....	1
Dickinson.....	1
Edgerton.....	1
Gallagher.....	1
Harvey.....	1
Haynes.....	1
Heacock.....	1
Hall.....	1
Irwin.....	1

Names.	Gorham.
Leet .....	1
Logan.....	1
Merritt.....	1
Parks .....	1
Rhodes .....	1
Ryan.....	1
Shafter.....	1
Sharp.....	1
Thomas.....	1
Thornton.....	1
Vance.....	1
Warmcastle.....	1
Watson.....	1
Watt .....	1
Mr. President.....	1
Total.....	27

Mr. Gorham having received a majority of all the votes cast, was declared duly elected.

#### FOR ENGROSSING CLERK.

Nominations being in order for Engrossing Clerk—

Mr. Edgerton nominated Mr. G. A. Gillespie.

There being no other nominations, the roll was called, with the following result :

Names.	Gillespie.
Burbank.....	1
Clark.....	1
DeLong.....	1
Denver .....	1
Dickinson.....	1
Edgerton ....	1
Gallagher.....	1
Harvey.....	1
Haynes .....	1
Hill.....	1
Irwin ..	1
Leet .....	1
Logan.....	1
Merritt.....	1
Parks .....	1
Rhodes .....	1
Ryan.....	1
Shafter.....	1
Sharp .....	1
Thomas.....	1
Thornton .....	1
Vance .....	1

Names.	Gillespie.
Warmcastle.....	1
Watson.....	1
Watt.....	1
Mr. President.....	1
Total.....	26

Mr. Gillespie having received a majority of all the votes cast, was declared duly elected.

#### FOR SERGEANT-AT-ARMS.

Nominations for Sergeant-at-Arms being in order—

Mr. Edgerton nominated Wm. F. Williamson.

Mr. Burbank nominated Horace Lovely.

There being no other nominations, the roll was called with the following result :

Names.	Williamson.	Lovely.
Burbank.....		1
Clark.....	1	
DeLong.....	1	
Denver.....	1	
Dickinson.....	1	
Eagon.....	1	
Edgerton.....	1	
Gallagher.....	1	
Harvey.....	1	
Haynes.....	1	
Hill.....	1	
Irwin.....	1	
Leet.....	1	
Logan.....	1	
Parks.....	1	
Phelps.....		1
Rhodes.....	1	
Ryan.....	1	
Shafter.....	1	
Sharp.....	1	
Thomas.....	1	
Thornton.....	1	
Vance.....	1	
Warmcastle.....	1	
Watson.....	1	
Watt.....	1	
Mr. President.....	1	
Total.....	25	2

#### FOR ASSISTANT SERGEANT-AT-ARMS.

Nominations for Assistant Sergeant-at-Arms being next in order—

Mr. Sharp nominated C. A. Uhrig.

There being no other nominations, the roll was called with the following result :

Names.	Uhrig.
Burbank .....	1
Clark .....	1
DeLong.....	1
Denver .....	1
Dickinson .....	1
Edgerton.....	1
Gallagher.....	1
Harvey ..	1
Haynes.....	1
Hill.....	1
Irwin .....	1
Leet .....	1
Logan.....	1
Merritt .....	1
Parks. ....	1
Phelps.....	1
Ryan.....	1
Shafter.....	1
Sharp .....	1
Thomas .....	1
Thornton .....	1
Vance.....	1
Warmcastle.....	1
Watson .....	1
Watt.....	1
Mr. President.....	1
Total.....	26

Mr. Uhrig having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Denver, the officers elect, with the exception of Mr. Gorham, Enrolling Clerk elect, came forward and were sworn in.

Mr. Denver offered the following resolution :

*Resolved*, That the Secretary be directed to inform the Assembly that the Senate has organized by the selection of the following permanent officers, and is ready to proceed with legislative business :

Pablo De la Guerra.....President of the Senate.  
 Richard Irwin.....President *pro tem*.  
 Charles W. Tozer.....Secretary.  
 David J. Williamson.....Assistant Secretary.  
 George C. Gorham.....Enrolling Clerk.  
 George A. Gillespie .....Engrossing Clerk.  
 William F. Williamson .....Sergeant-at-Arms.  
 C. A. Uhrig.....Assistant Sergeant-at-Arms.

Adopted.

On motion of Mr. Ryan the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

# IN SENATE.

SENATE CHAMBER,  
Wednesday, January 9th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Mr. Pico.

Quorum present.

Journal of yesterday read and approved.

Mr. Heacock offered the following resolution :

*Resolved*, That Samuel Pattock be, and he is hereby appointed Paper-Folder for the Senate, and draw the same pay as Pages.

Mr. Parks moved that the resolution be referred to a special committee of three, to be appointed by the Chair.

Carried.

The President appointed as such committee, Messrs. Parks, Heacock, and Phelps.

Mr. Clark offered the following resolution :

*Resolved*, That Alphonzo B. Smith be, and he is hereby appointed Post-Office Clerk for the Senate, and draw the same pay as the Porter.

Referred to the same Special Committee.

Mr. Clark also offered the following resolution :

*Resolved*, That Samuel Van Pragg be, and is hereby appointed Paper-Folder of the Senate, at three dollars per diem, the same to be paid out of the Contingent Fund of the Senate.

Referred to the same Special Committee.

Mr. Eagon offered the following resolution.

*Resolved*, That the Sergeant-at-Arms be instructed to appoint a Paper-Folder at the same per diem as is allowed Pages, payable out of the Contingent Fund of the Senate.

Referred to the same Special Committee.

Mr. Burbank offered the following resolution :

*Resolved*, That Charles DeYoung be appointed Paper-Folder for the Senate, and draw the same pay as Page.

Referred to the same Special Committee.

Mr. Gallagher offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be, and he is hereby authorized, to appoint a Clerk, at the per diem prescribed by law, payable out of the Contingent Fund of the Senate.



Referred to the same Special Committee.

Mr. Clark offered the following Concurrent Resolution :

*Resolved*, By the Senate, the Assembly concurring, that Daniel McLaughlin be appointed Fireman, at a salary of five dollars per day, payable out of the Contingent Fund of both Houses.

On Mr. Clark's own motion, it was laid on the table.

Mr. Vance offered the following resolution :

*Resolved*, That the Senate proceed to the election of a Chaplain.

Mr. Denver moved its reference to the Special Committee heretofore appointed.

Upon which motion, after discussion, the ayes and noes were demanded by Messrs. Heacock, Vance, and Ryan, and taken with the following result: Ayes, 16—noes, 14:

**AYES**—Messrs. Chase, Clark, Denver, Dickinson, Edgerton, Haynes, Irwin, Merritt, Parks, Phelps, Rhodes, Ryan, Thornton, Watson, Watt, and Williamson—16.

**NOES**—Messrs. Burbank, DeLong, Eagon, Franklin, Gallagher, Harvey, Heacock, Hill, Leet, Logan, Shafter, Sharp, Thomas, and Vance—14.

So the motion prevailed, and the resolution was referred.

Mr. Hill offered the following resolution :

*Resolved*, That Frederick Jackson be, and is hereby appointed Paper-Folder of the Senate, at the usual per diem allowance, to be paid out of the Contingent Fund of the Senate.

Referred to the same Committee.

On motion of Mr. Edgerton, leave of absence was granted to Mr. Watkins for two days.

The President announced to the Senate his appointment of the following named persons as Pages, etc. :

William Clark and Frederick Stewart, Senate Pages, and J. Steinman, Porter.

Mr. Dickinson offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to furnish each member of the Senate with five daily papers published in this State, or their equivalent in weeklies.

Adopted.

On motion of Mr. Chase, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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IN SENATE.

SENATE CHAMBER,  
Thursday, January 10th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Mr. Pico.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Irwin, Mr. G. C. Gorham, the Enrolling Clerk of the Senate, elect, came forward and was duly sworn in.

**STANDING COMMITTEES OF THE SENATE FOR THE TWELFTH SESSION.**

The President here announced the appointment of Senate Standing Committees, as follows:

**ON CLAIMS.**

Messrs. Watkins, Eagon, Rhodes, Haynes, and Parks.

**ON FINANCE.**

Messrs. Clark, Shafter, Ryan, Eagon, and Vance.

**ON JUDICIARY.**

Messrs. Sharp, Merritt, Shafter, Thornton, Edgerton, Heacock, and Watson.

**ON ELECTIONS.**

Messrs. Thomas, Burbank, Thornton, Watt, and Williamson.

**ON PUBLIC LANDS.**

Messrs. Harvey, Denver, Hill, Franklin, and Rhodes.

**ON COMMERCE AND NAVIGATION.**

Messrs. Ryan, Phelps, Watson, Sharp, and Haynes.

**ON FEDERAL RELATIONS.**

Messrs. Watson, Shafter, Hill, Merritt, and Edgerton.

**ON PUBLIC HOSPITALS.**

Messrs. Franklin, Hill, Williamson, Leet, and Rhodes.

**ON MINES AND MINING INTERESTS.**

Messrs. Gallagher, Watt, Crittenden, Franklin, Heacock, Vance, and Logan.

**ON STATE PRISON AND PUBLIC BUILDINGS.**

Messrs. Hill, Pico, Ryan, Vance, DeLong, Heacock, and Phelps.

**ON EDUCATION.**

Messrs. Eagon, Irwin, Thornton, Haynes, and Merritt.

**ON STATE LIBRARY.**

Messrs. Leet, Parks, and Burbank.

**ON MILEAGE.**

Messrs. Logan, Warmcastle, and Chase.

**ON COUNTIES AND COUNTY BOUNDARIES.**

Messrs. Dickinson, Thomas, Pico, DeLong, and Leet.

**ON CORPORATIONS.**

Messrs. DeLong, Franklin, Watt, Eagon, and Chase.

**ON AGRICULTURE.**

Messrs. Phelps, Warmcastle, Pico, Harvey, and Denver.

## ON PUBLIC PRINTING.

Messrs. Chase, Parks, Rhodes, Harvey, and Dickinson.

## ON ROADS AND HIGHWAYS.

Messrs. Watt, Shafter, and Dickinson.

## ON CONTINGENT EXPENSES.

Messrs. Haynes, Burbank, Parks, Thomas, and Logan.

## ON MILITARY AFFAIRS.

Messrs. Pico, Watkins, Heacock, Clark, and Crittenden.

## ON PUBLIC EXPENDITURES.

Messrs. Crittenden, Gallagher, Thomas, Dickinson, and Phelps.

## ON PUBLIC MORALS.

Messrs. Vance, Burbank, Hill, Franklin, and DeLong.

## ON ENGROSSED BILLS.

Messrs. Merritt, Williamson, Heacock, Irwin, Sharp, and Gallagher.

## ON ENROLLED BILLS.

Messrs. Denver, Edgerton, Crittenden, Watkins, Shafter, and William-  
SON.

## ON INTERNAL IMPROVEMENTS.

Messrs. Irwin, Eagon, Logan, Harvey, and Heacock.

## ON SWAMP AND OVERFLOWED LANDS.

Messrs. Edgerton, Parks, Watson, Phelps, and Warmcastle.

## ON MANUFACTURES.

Messrs. Parks, Leet, Ryan, Thomas, and Clark.

Mr. Irwin, President *pro tem.* in the Chair.

## INTRODUCTION OF BILLS.

Mr. Shafter, by leave, introduced a bill for An Act to amend an Act entitled An Act to amend an Act entitled An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill for An Act amendatory of an Act entitled An Act to Provide for the Location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, approved April second, eighteen hundred and fifty-nine.

Read first and second times, and referred to the San Francisco delegation.

Mr. Phelps, by leave, also introduced a bill for An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

Read first and second times.

Mr. Phelps moved its reference to the Committee on Roads and Highways.

Mr. Ryan arose to a point of order: That it was not in the province of the Senate to receive or entertain a bill, or any legislative business, until the House was organized.

The Chair ruled the point of order not well taken.

Mr. Ryan appealed from the decision of the Chair.

Pending the discussion of which, on motion of Mr. Sharp, the whole subject matter was made the special order of the day for to-morrow at half past eleven o'clock, A. M.

The Chair announced the receipt of the Annual Statement of the Treasurer of the Contingent Expenses of the Treasurer's office, from the first day of January, eighteen hundred and sixty, to the first day of January, eighteen hundred and sixty-one.

On motion of Mr. DeLong, the statement was received and referred to the Committee on Public Expenditures.

On motion of Mr. Ryan, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, January 11th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Pico and Watkins.

Quorum present.

Journal of yesterday read and approved.

Mr. Phelps offered the following resolution :

*Resolved*, That the Secretary of the last session be allowed one week's pay, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That no committee, (standing or special,) shall be allowed to elect a Clerk or Sergeant-at-Arms, without having first obtained the consent of the Senate.

Adopted.

## REPORTS.

Mr. Parks, Chairman of the Select Committee to whom was referred sundry resolutions, made the following report :

MR. PRESIDENT :—The Special Committee to whom was referred sundry resolutions, and who was instructed to report the number of officers and attachés of the Senate, beg leave respectfully to report :

That it is their opinion that two Pages, two Porters, one Post-Office Page, and one Paper-Folder, are sufficient for the convenience of the Senate. We further recommend that the President be empowered to appoint such Post-Office Page and Paper-Folder, who shall receive each a per diem of four dollars, to be paid out of the Contingent Fund of the Senate. We further recommend that the Sergeant-at-Arms be allowed to appoint a Clerk, who shall receive a per diem of six dollars, payable

out of the Contingent Fund of the Senate. We further recommend that the Committees on Judiciary and Claims be each allowed to elect a Clerk at such time as the business before them may require, who shall each receive a per diem of six dollars, payable out of the Contingent Fund of the Senate, such pay to commence from the date of their election.

We further recommend the election of a Chaplain by the Senate, who shall receive a per diem of six dollars, payable out of the Contingent Fund of the Senate.

All of which is respectfully submitted.

W. H. PARKS,  
Chairman.

Mr. Leet moved to amend the report by striking out the words "four dollars," and inserting the words "three dollars," as the per diem of the Pages and Porters.

Lost.

Mr. Phelps moved the adoption of all the report, except that portion relative to a Chaplain.

Mr. Vance moved to amend so as to allow the Finance Committee a Clerk, at the same per diem allowed other Committee Clerks.

Lost.

Mr. Eagon moved to amend by striking out the words "six dollars," and inserting "eight dollars," as the per diem of Committee Clerks.

Upon which the ayes and noes were demanded by Messrs. Leet, Phelps, and Ryan, and taken with the following result: Ayes, 9—noes, 23:

AYES—Messrs. DeLong, Eagon, Edgerton, Haynes, Ryan, Thomas, Thornton, Vance, and Watson—9.

NOES—Messrs. Burbank, Chase, Clark, Crittenden, Denver, Dickinson, Franklin, Gallagher, Harvey, Heacock, Hill, Irwin, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Shafter, Sharp, Warmcastle, Watt, and Williamson—23.

So the motion was lost.

The question recurring on the motion of Mr. Phelps, to adopt the report, except that portion relative to a Chaplain, was put, and carried.

Mr. Phelps then moved the adoption of that portion of the report relative to a Chaplain.

Mr. Gallagher offered the following as a substitute:

*Resolved*, That the several Ministers of the Gospel in Sacramento be, and they are hereby, invited to open the Senate with prayer each day during the session, and that said ministers arrange among themselves as to which of them shall officiate on each day, and that said service shall be performed without money and without price.

Mr. Phelps in the Chair.

The question being upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Phelps, Denver, and Vance, and taken with the following result: ayes, 18—noes, 15:

AYES—Messrs. Burbank, Clark, DeLong, Denver, Dickinson, Eagon, Gallagher, Harvey, Heacock, Logan, Merritt, Parks, Shafter, Sharp, Thomas, Thornton, Williamson, and Mr. President—18.

NOES—Messrs. Chase, Crittenden, Edgerton, Franklin, Haynes, Hill, Irwin, Leet, Phelps, Rhodes, Ryan, Vance, Warmcastle, Watson, and Watt—15.

So the substitute was adopted.

Mr. Clark moved to strike out the last clause of the substitute, which amendment was accepted by Mr. Gallagher.

Mr. Warmcastle moved to strike out all that portion relating to a Chaplain.

Carried.

Mr. Logan, Chairman of the Committee on Mileage, made the following report:

Mr. PRESIDENT:—The Committee on Mileage, report the following number of miles traveled by Senators and President of the Senate:

Names.	Miles.	Amount.
Burbank.....	234	\$18 80
Chase.....	170	
Crittenden.....	100	20 00
DeLong.....	100	20 00
Denver.....	100	20 00
Dickinson.....	132	26 40
De la Guerra.....	870	174 00
Eagon.....	110	22 00
Edgerton.....	224	44 80
Franklin.....	240	48 00
Gallagher.....	164	32 80
Harvey.....	100	20 00
Haynes.....	930	186 00
Hill.....	280	56 00
Irwin.....	350	70 00
Leet.....	140	28 00
Logan.....	300	60 00
Merritt.....	390	78 00
Parks.....	136	27 20
Phelps.....	292	58 40
Pico.....	1100	220 00
Quinn.....	251	50 00
Rhodes.....	336	67 20
Ryan.....	780	156 00
Shafter.....	234	46 80
Sharp.....	234	46 80
Thomas.....	70	14 00
Thornton.....	220	44 00
Vance.....	156	31 20
Warmcastle.....	200	40 00
Watkins.....	100	20 00
Watson.....	490	98 00
Watt.....	130	26 00
Williamson.....	250	50 00

J. LOGAN, •

Chairman.

On motion of Mr. Merritt, that portion of the report relative to the mileage of Mr. Quinn, was stricken out and re-referred to the committee.

On motion of Mr. Logan, the report, as amended, was adopted.

## SPECIAL ORDER.

On motion of Mr. Leet, the special order of the day was taken up.

The special order of the day being the appeal from the decision of the Chair, on the point of order raised by Mr. Ryan on yesterday.

The question was: Shall the decision of the Chair stand as the judgment of the Senate?

Upon which the ayes and noes were demanded by Messrs. Ryan, Parks, and Dickinson, and after much discussion, taken with the following result: Ayes, 13—noes, 16:

**AYES**—Messrs. Burbank, Clark, Dickinson, Edgerton, Harvey, Heacock Phelps, Rhodes, Shafter, Sharp, Vance, Watson, and Mr. President—13.

**NOES**—Messrs. Chase, Crittenden, DeLong, Denver, Franklin, Haynes, Leet, Logan, Merritt, Parks, Ryan, Thomas, Thornton, Warmcastle, Watt, and Williamson—16.

So the decision of the Chair was not sustained.

Mr. Clark offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be authorized to make arrangements with the Post-Master and Express-Agents, for the transportation of letters and papers until further provided by law.

Adopted.

Mr. Dickinson offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the previous session be allowed pay for six days' services rendered the present session, at the per. diem named by law, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Rhodes offered the following resolution:

*Resolved*, That a committee of three be appointed by the President to inquire and report what proceedings, if any, can be had in the Senate previous to the election of a Speaker of the House.

Lost.

Mr. Leet moved that when the Senate adjourn it should adjourn to meet on Monday next at eleven o'clock, A. M.

Lost.

On motion of Mr. Ryan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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IN SENATE.

SENATE CHAMBER,  
Saturday, January 12th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Chase, Eagon, Pico, and Watkins.



Quorum present.

Journal of yesterday read and approved.

On motion of Mr. DeLong, indefinite leave of absence was granted to Mr. Watkins, on account of sickness.

The Chair announced the following appointments as attachés to the Senate:

W. F. Hustis, Postmaster; John Geran, Paper-Folder; and Alphonso B. Smith, Porter.

Mr. Vance offered the following resolution:

*Resolved*, That a committee of five be appointed by the President, to consider the State of the Union.

Mr. Clark moved to amend by striking out the word "Union," and inserting the words "State of California."

Mr. Phelps moved to lay the resolution on the table.

Carried.

Mr. Merritt offered the following resolution:

*Resolved*, That when the Senate adjourns to-day, it will adjourn to meet on Tuesday, January 15th, instant, at 12 o'clock, M.

Adopted.

Mr. Harvey offered the following resolution:

*Resolved*, That no account, or claim, shall be paid out of the Contingent Fund of the Senate, until the same shall have been referred and reported upon by the appropriate committee.

Referred to Committee on Rules.

Mr. Thomas offered the following resolution:

*Resolved*, That G. C. Newman be allowed one week's pay for his services as Assistant Sergeant-at-Arms, at the per diem allowed by law at the last session.

Mr. Phelps moved its reference to the Finance Committee.

Carried.

Mr. Shafter offered the following resolution:

*Resolved*, That Frederick Jackson receive one week's pay as Paper-Folder of the Senate, at the same per diem as allowed said officers.

Referred to Finance Committee.

Mr. Edgerton offered the following resolution:

*Resolved*, That C. A. Sumner and W. M. Cutter be, and are hereby, appointed official Reporters of the Senate during the present session.

Mr. Leet moved its indefinite postponement.

Carried.

On motion of Mr. Crittenden the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, January 15th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Absent—Mr. Pico.

Quorum present.

Journal of Saturday read and approved.

On motion of Mr. Eagon, indefinite leave of absence was granted Mr. Gallagher on account of sickness.

On motion of Mr. Crittenden, indefinite leave of absence was granted to Mr. Vance on account of sickness in his family.

Mr. Clark, Chairman of the Finance Committee made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred the resolution giving to Frederick Jackson one week's pay as Paper-Folder of the Senate, have had the same under consideration, and beg leave to report the accompanying resolution as a substitute therefor, and recommend the passage of the substitute.

*Resolved*, That Frederick Jackson be allowed six days' pay, at the rate of three dollars per day, as Paper-Folder of the Senate, from January 7th to January 12th, 1861, inclusive, payable out of the Contingent Fund of the Senate.

CLARK,  
Chairman.

Report received and resolution as reported adopted.

Mr. Clark, Chairman of the Finance Committee, also made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred the resolution giving to G. C. Newman one week's pay as Assistant Sergeant-at-Arms of the Senate, have had the same under consideration, and beg leave to report the accompanying resolution as a substitute therefor, and recommend the adoption of the substitute.

*Resolved*, That G. C. Newman be allowed two days' pay as Assistant Sergeant-at-Arms of the Senate, for January 7th and 8th, 1861, at the rate allowed by law, payable out of the Contingent Fund of the Senate.

CLARK,  
Chairman.

Report received and resolution adopted as reported.

Mr. Chase gave notice that on to-morrow he would offer a rule or resolution to proceed with business in the Senate.

On motion of Mr. Clark, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 16th, 1861. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Absent—Messrs. Pico, Watson, and Mr. President.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. DeLong, leave of absence was granted Mr. Williamson for the day.

On motion of Mr. Leet, indefinite leave of absence was granted to Mr. Logan on account of sickness.

Mr. DeLong presented a petition from sundry citizens of Yuba County, praying that the resolutions heretofore passed by the Legislature of the State of California, reflecting upon the late Hon. D. C. Broderick, be expunged from the Journal.

Mr. DeLong moved that the petition be referred to a select committee of three.

Mr. Ryan rose to a point of order: That the petition involved concurrent action of the two branches of the Legislature, and could not be entertained under the decision of the Senate heretofore made.

The Chair ruled the point of order well taken.

Mr. DeLong appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?

Carried.

So the decision of the Chair was sustained.

Upon which, Mr. DeLong, by leave, withdrew the petition.

Mr. Chase offered the following resolution:

*Resolved*, That the Senate will now proceed to the consideration and disposition of legislative business.

Mr. Sharp moved to amend by inserting after the word, "resolved," the words, "as declaratory of Parliamentary law."

Mr. Merritt moved to amend the amendment by striking out the words, "as declaratory of," and inserting the words, "as contrary to."

Mr. Ryan moved to lay the amendment on the table.

Carried.

So the whole subject matter was laid on the table.

Mr. Clark offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized and required to procure three suitable and convenient rooms for the use of the committees of the Senate.

Mr. Sharp moved to amend by inserting in the proper place the words, "Finance, Judiciary, and Claims."

Mr. Clark accepted the amendment.

On motion of Mr. Clark, the resolution was laid on the table.

On motion of Mr. Leet the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 17th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Chase, at his own special request, was excused from serving on the Committee on Public Printing.

On motion of Mr. Parks, a committee of two, consisting of Senators Parks and Irwin, was appointed by the Chair, to wait upon the Governor and inform him of the organization of the Senate.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest : C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 18th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The following message was received from the Assembly.

ASSEMBLY CHAMBER,  
January 17th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly has fully organized by the election of the following officers, and are ready to proceed with legislative business :

Speaker.....	R. Burnell.
Clerk.....	J. M. Anderson.
Assistant Clerk.....	J. W. Scobey.
Sergeant-at-Arms.....	M. Gray
Assistant Sergeant-at-Arms.....	J. H. Leese.
Engrossing Clerk.....	E. Corbett.
Enrolling Clerk.....	H. C. Kibbe.

Also, Assembly Concurrent Resolution, providing for the appointment of a committee to wait upon the Governor, to inform him that the Legislature was organized and ready to receive any communication from him, and have appointed Messrs. Magruder, Fargo, and Lippincott, a committee on the part of the House.

J. M. ANDERSON,  
Clerk of the Assembly.

Adopted.

On motion of Mr. Dickinson, the resolution was concurred in by the Senate.

The Chair appointed Messrs. Dickinson, Hill, and Shafter, a committee on the part of the Senate.

Mr. DeLong offered a Concurrent Resolution expressive of the sentiments of the people of California, upon the unhappy events which are occurring within these United States.

Mr. Edgerton offered a substitute relative to the same matter.

Mr. Merritt moved that the usual number of copies of the resolutions and substitute, be ordered printed.

Carried.

Mr. DeLong moved that the resolutions and substitute be referred to a special committee of five.

Mr. Ryan moved to refer to Committee on Federal Relations.

Upon which the ayes and noes were demanded by Messrs. Merritt, Leet, and Sharp, and taken with the following result: Ayes, 21—noes, 8:

**AYES**—Messrs. Chase, Clark, Crittenden, Denver, Franklin, Gallagher, Irwin, Leet, Merritt, Pico, Sharp, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, and Mr. President—21.

**NOES**—Messrs. Burbank, DeLong, Edgerton, Harvey, Haynes, Heacock, Phelps, and Rhodes—8.

So the resolutions and substitute were referred to the Committee on Federal Relations.

On motion of Mr. Edgerton the committee were requested to report on or before the twenty-fifth instant.

Mr. Merritt in the Chair.

Mr. Phelps offered the following Concurrent Resolution:

*Resolved*, By the Senate, the Assembly concurring, that Michael Martin be, and he is hereby, appointed Fireman for the present session, at a per diem of five dollars, to be paid, one-half out of the Contingent Fund of the Senate, and one-half out of the Contingent Fund of the Assembly.

Mr. Watson offered the following substitute:

*Resolved*, By the Senate, the Assembly concurring, that Louis Callich be appointed as Porter, for the purpose of attending to the furnaces in the basement of the Capitol Building, the amount to be paid equally out of the Contingent Fund of the Senate and Assembly.

Mr. Clark moved to lay the resolutions on the table.

Carried.

Mr. Clark then moved to take from the table all resolutions relative to the appointment of a Fireman.

Agreed to.

The resolution heretofore laid on the table, providing for the appointment of Daniel McLaughlin as Fireman, being first in order, Mr. Clark moved its adoption.

Mr. Phelps moved to amend by striking out the name of "McLaughlin," and inserting the name of "Michael Martin."

Mr. Watson moved to amend the amendment by inserting the name of Louis Callich.

The question being first, upon the striking out.

Carried.

So the name of Daniel McLaughlin was stricken out.

The question then being upon inserting the name of Louis Callich, was was put.

Lost.

Mr. DeLong moved to insert the name of Mr. Haggerty.

Lost.

Mr. Clark moved to insert the name of Daniel McLaughlin.

Lost.

The question recurring upon the motion of Mr. Phelps, to insert the name of Michael Martin, was put.

Carried.

The resolution was then adopted as amended.

Mr. Clark offered the following Concurrent Resolution :

*Resolved*, By the Senate, the Assembly concurring, that John Clark, an old pensioner, be appointed to perform the necessary work in the rear of the Capitol, and for such service he shall receive the sum of two dollars per day, payable out of the Contingent Funds of the Senate and Assembly.

Adopted.

#### NOTICES OF BILLS.

Mr. Parks gave notice that he would, at an early day, introduce a bill for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State.

Mr. Harvey gave notice that he would, at an early day, introduce a bill to provide for a Topographical Survey of the different Passes in the Sierra Nevada Mountains.

Mr. Sharp offered the following resolution :

*Resolved*, That the Judiciary and Finance Committees, and the Committee on Claims, of the Senate, be, and they are hereby, authorized to rent suitable rooms for the use of said committees during the present session of the Legislature, and that the rent thereof be payable out of the Contingent Fund of the Senate.

Adopted.

#### INTRODUCTION OF BILLS.

Mr. Edgerton, by leave, introduced a bill for An Act to Extend the Time for the Collection of Taxes in the County of Napa.

Read first and second times.

Mr. Edgerton moved to suspend the rules further, and place the bill on its third reading.

Carried.

Mr. Parks moved to insert after the word "Napa," the word "Sutter."

Carried.

Mr. Edgerton moved to insert after the word "Sutter," the word "Tulare."

Carried.

Mr. Warmcastle moved to insert after the word "Tulare," the words "Contra Costa."

Carried.

Mr. Leet moved to strike out the words "first of May," and insert the words "first of March."

Lost.

Mr. Shafter moved to strike out the words "first of May." and insert the words "first of April."

Carried.

Mr. Chase moved to refer the bill to the Finance Committee.

Lost.

On motion of Mr. Edgerton, the rules were further suspended, and the bill read a third time, and passed.

On motion of Mr. Sharp, the Secretary was directed to change the bill so as to correspond with the amendments made; also, to change the title so as to correspond with the body of the bill.

On motion of Mr. Edgerton, Senate Rules forty-five and forty-six were suspended, bill considered engrossed, and Secretary directed to report the same to the Senate forthwith.

Mr. Dickinson made the following report:

MR. PRESIDENT:—The Joint Select Committee appointed to wait upon the Governor and inform him of the organization of the Legislature, and its readiness to receive any communication he might be pleased to make, report that they have conferred with his Excellency, and that he will, on this day, at twelve o'clock, transmit to the Senate and Assembly a Message.

HILL,  
DICKINSON,  
SHAFTER,  
Senate Committee.

MAGRUDER,  
FARGO,  
LIPPINCOTT,  
Assembly Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 7, 1861. }

*Gentlemen of the Senate and Assembly:*

In obedience to the requirements of our State Constitution, it becomes my duty to lay before you the condition of the State.

During the past year, peace and unexampled prosperity have blessed us as a people; and while the citizens of our sister States have had to complain of visitations of drouth, scarcity, and intestine troubles, an unprecedented abundance has crowned the labors of the husbandman—our mines continue to be the admiration of the world, and our wine and pastoral capabilities have attracted hither the enterprise and skill of the older States, and even European capital and labor—our mixed population have yielded a willing and cheerful obedience to the laws, crime has decreased, and the decrees of our courts are respected and enforced; public confidence in the different departments of the government exists, of which the oldest commonwealth in the Union might well feel proud. The extravagance, bad management, and dishonesty, of former years have created an indebtedness of over four millions of dollars, for which we have nothing to show, save an unfinished State Prison and an incomplete and indifferent building for the insane patients of the State. No railroads built—no canals constructed—no capitol or seminary of learning erected—no equivalent to be found for this vast public incumbrance. A brighter day appears to be dawning upon us; we are reducing our expenditures to our income; the interest upon our bonds is promptly paid, and a large sinking fund annually created for the redemption of the same; our securities are sought for by the capitalist as an investment inferior to

none in the American Union; all of which augur well for our future stability and material prosperity.

#### REPORTS.

The annual reports of the Secretary of State, the Treasurer, Controller, Attorney-General, and Surveyor-General, are herewith transmitted. They will be found to contain much valuable information, and reflect much credit upon the heads of the different departments from which they emanate.

#### FINANCE.

For the financial condition of the State, your attention is called to the able report of our worthy and efficient State Treasurer. The total receipts from the fifteenth of December, eighteen hundred and fifty-nine, to the fifteenth of December, eighteen hundred and sixty, inclusive, amount to one million five hundred and eight thousand six hundred and ninety-eight dollars and sixty-five cents. The amount of expenditures during the same period, were one million four hundred and twenty-two thousand and forty-two dollars and twenty-one cents, showing a balance of receipts over expenditures, during the same period, of eighty-six thousand six hundred and fifty-six dollars and forty-four cents; add to which the sum of five hundred and fifty-six thousand six hundred and eighty-one dollars and eighty-five cents, which was the balance in the treasury on December fifteenth, eighteen hundred and fifty-nine, and we have the aggregate of cash in the treasury at the close of business, December fifteenth, eighteen hundred and sixty, amounting to the sum of six hundred and forty-three thousand three hundred and thirty-eight dollars and twenty-nine cents. In order to show the increase of receipts for the past year over the previous year, ending December fifteenth, eighteen hundred and fifty-nine, which increase amounts to the sum of three hundred and thirteen thousand two hundred and fifty-seven dollars and ninety-two cents, it will only be necessary to state that the total receipts for the year eighteen hundred and fifty-nine was one million one hundred and ninety-five thousand four hundred and forty dollars and seventy-three cents.

From our increased receipts for the past year, it would be reasonable to expect a larger cash balance now on hand, but the extraordinary calls made upon the treasury to meet demands suffered to accumulate during the administrations of my predecessors, under a ruinous contract for the support and maintenance of the State Prison, and expensive Indian wars, will readily account for this increased expenditures of the past year. Neither should it be forgotten that extraordinary demands upon the treasury have been made in consequence of the commencement of our State Capitol, the State Reform School, at Marysville, the Deaf, Dumb, and Blind Asylum, at San Francisco, the increased donations to the Orphan Asylums and other objects of charity, the Boundary Survey, the Geological Survey, and the increased appropriation for the Insane Asylum, all of which are laudable and legitimate objects for which to appropriate money, provided our financial condition will justify it. But we should be just before we are generous, and provide the means before we appropriate for objects, no matter how laudable. And in this connection I should not omit to state that our public debt has been diminished by the redemption and cancellation of bonds to the amount of sixty-one thousand dollars during the past year.

The assessed value of real and personal property of the State amount



to the sum of one hundred and forty-eight millions of dollars only, it is plain then to perceive that it will not do for us to embark in undertakings which have required the wisdom and accumulated wealth of centuries to accomplish in other communities. In connection with this subject I deem it not inappropriate to suggest that it is a wise policy to make no appropriations unless money may be reasonably expected in the treasury to meet them. The experience of the past dictates the necessity of this policy.

#### **EQUITABLE INDEBTEDNESS.**

That portion of our equitable indebtedness remaining unfunded was submitted to the voters of the State for their sanction or rejection, and the result has shown that they have ratified it by a singular unanimity. While the Constitution of our State wisely restricts the Legislature from creating an indebtedness, which singly, or in the aggregate, shall exceed three hundred thousand dollars, without first submitting it for ratification or rejection to the voters of the State, unbridled license has been extended to the creatures of the Legislature, the cities and counties of the State; and to such an alarming extent has this been carried, that our people in the short period of eleven years are burdened with an indebtedness ruinous to the prosperity and interest of the whole State. I have taken the pains to ascertain to what extent this system has been carried, and the result shows that the local indebtedness of the counties and cities approximates ten millions of dollars. Like the State, they have but little to show for this vast expenditure. Is it not, in a measure, the result of the reckless extravagance, incident to a new condition of things, in the formation of a new State, and high salaries and fees?

#### **CONTROLLER'S REPORT.**

The Controller's Report contains much valuable information, and shows in detail the condition of the various funds, and the financial resources of the State. I commend it, with the suggestions, to your careful consideration.

#### **ATTORNEY-GENERAL'S REPORT.**

In the suggestions made by the Attorney-General in relation to the codification or revision of our laws, I fully concur, and trust that you will take early action to secure that end.

The reference made by that officer to difficulties arising under our new Revenue Act, reminds me that many of them were anticipated by the friends of the measure, but it is hoped, when its provisions are understood by Assessors and Collectors, that it will be found efficient. It is certainly an improvement upon our former revenue law, and should be fairly tested before it is condemned. Make it general in its operations in all the counties. Changes only tend to confuse and embarrass the collection of the State and County revenues. Under the operations of this bill, the assessed value of real and personal property in the State has been increased seventeen millions as compared with the corresponding period of last year, while many and important branches of industry and species of personal property have decreased fifty per cent. With a few amendments that will doubtless be suggested by the Committee of Ways and Means, it will, I trust, meet the expectations of its many friends, and prove beneficial to the State.

I would in this connection recommend that the two hundred and forty-sixth section of the "Act to regulate Proceedings in Civil Cases," approved April twenty-eighth, eighteen hundred and sixty, be amended.

The first line contains the word "no" before the word "action," which renders the whole sentence nugatory. It is either the fault of the Enrolling Clerk or Printer, and should be corrected promptly.

#### SURVEYOR-GENERAL'S REPORT.

There is much valuable information contained in this report, to which I invoke your attention. This officer has devoted much time and labor to the subject of our swamp and overflowed lands. Through the liberality of the General Government, we have become the possessors of a rich inheritance in these lands, and from the receipts into our treasury from this source in the last two years, you cannot fail to be impressed with the importance of this interest. From the nature of this subject, it has become the peculiar province of the Surveyor-General to supervise this branch of our public wealth. I may say, he has made it a specialty, and his suggestions are, therefore, entitled to consideration at the hands of the Legislature.

The modification of the law limiting the frontage on navigable streams should be promptly made. Measures for a complete segregation of the public lands of the State from the lands of the Federal Government should be adopted; and for the benefit and protection of those who have purchased from the State, I would recommend a joint resolution be adopted, instructing and requesting our delegation in Congress to use their influence to have so much of these lands as are offered for sale by the proclamation of the President withdrawn from market. The evils predicted by the Surveyor-General to the purchasers from the State must ensue unless remedied, and certainly the State, after having sold and received an equivalent, will be bound to protect the purchaser.

#### STATE PRISON.

Under the act appointing a Board of Commissioners to compromise and settle with J. F. McCauley and Lloyd Tevis, assignees of James M. Estill, deceased, all claims against the State of California held by them, or either of them, and arising out of, or in any manner connected with, the contract made on the twenty-sixth of March, eighteen hundred and fifty-six, between the State of California and the said James M. Estill, for a lease of the State Prison and convict labor for the term of five years, the said Commissioners did, on the eleventh day of August last, settle and compromise with said assignees for the sum of two hundred and seventy-five thousand dollars, in accordance with the provisions of said Act, as will be set forth in detail in the report of the Commissioners, on which day the prison and its inmates virtually passed into the possession of the State, and came under the control of the State Prison Directors.

I deem it proper here to state that the negotiations were prolonged beyond the time contemplated by the Legislature, for the settlement of this vexed question. The Supreme Court had rendered its final judgment in favor of the assignees. It was found by the Commissioners, that a settlement could not be effected for the amount appropriated by the Legislature. As the law contemplated a settlement would be made on the eleventh day of May at the latest, the Sub-Lessee had to maintain the prison for three months additional, and as a consequence, a final proposition for settlement was made by the assignees, that as a condition, McCauley should have the labor and prison for two months, to effect the removal of his property, and receive for the maintenance of the prison, from the State, the sum of ten thousand dollars per month, to which final proposition the Commissioners deemed it advisable to accede. The re-

sult was, that on the eleventh day of October last, the prison, convicts, and property of the State, passed absolutely into the possession of the State Prison Directors. Of the management of the institution since that period, the report of the Directors will advise you at length, and will be laid before you in due time, as required by law. I will only add that it is now being conducted economically; the condition of the prisoners is vastly improved; the trusty system is done away with; and, I trust, that with your aid, before the expiration of my official term, I will be able to demonstrate, by practical results, that under the management of the State, the institution will approximate a self-sustaining basis. When we reflect that this establishment, since eighteen hundred and fifty-two, has cost the State the sum of one million one hundred and sixty-four thousand six hundred and seventy-two dollars and forty cents, it is devoutly to be hoped that the period has arrived when it will cease to be this terrible incubus upon the tax payers of the State, and that you will in your wisdom, devise the means and manner of employing the convicts to such an advantage as to make those who violate the laws of society, defray the expenses of their own government and correction. In my opinion there should be none sent there for a term less than three years; and if it be consistent with our Constitution, all cases involving a penitentiary offense should be tried by the District Judge. Convicts are now sent for terms as short as three months, and it would appear as though they are sent for the purpose of getting rid of them as county charges, and to create mileage for those conducting them to the prison; again, the mileage system should be abolished, and actual expenses only allowed, properly vouched for under oath. I earnestly recommend a reformation in this respect to your consideration.

While a branch prison may at some future day be necessary, the State is not now in a condition to undertake a work of this kind. It would require as many officers and guards to protect and safely keep a hundred prisoners as it does the five hundred and fifty-two now at San Quentin.

A small appropriation should be made to enable the Directors to commence some branches of industry at the prison, so as to enable them to make the institution in a measure support itself, and prepare the convict to be in a condition at the expiration of his sentence to re-enter society with the means of earning an honest livelihood. Should the condition of our finances prevent an appropriation of this kind, the Directors should be empowered to lease the labor to private parties, the State retaining the control of the prison, its police regulations, guarding, feeding, and clothing. I would most seriously object ever again to allow the prison or its management to pass out of the exclusive control of the State.

#### STATE INSANE ASYLUM.

The report in detail of the Trustees of this institution is herewith transmitted.

Although not required by law, I visited the Asylum, and am pleased to be able to testify to the good management and humane treatment of the unfortunate inmates. The maintenance of this necessary establishment has become onerous to the State, having required appropriations, including the salaries of the Resident and Visiting Physicians, of ninety-three thousand dollars for the present year.

I am satisfied from my own observations that the suggestions made by the Resident Physician are but too true, in that there are many sent to this institution who are not fit subjects for an Insane Asylum. I am satisfied there are many inmates who are now a burden upon the State who

have property in the possession of relatives and friends. This is a glaring injustice, and the law of commitment should be exceedingly stringent, and thorough investigation should be had by the committing judge as to the ability of the patient to pay.

The Insane Asylum of South Carolina has always maintained itself on this principle, others have approximated it; and I do not see why in this State, when parties are able to pay for their relatives and wards, they should not be compelled to do so, and that liberally. This subject from its magnitude requires a thorough investigation.

#### STATE REFORM SCHOOL.

There has been expended about twelve thousand dollars of the appropriation of thirty thousand dollars "for the building of a State Reform School, near the city of Marysville," approved April eighteenth, eighteen hundred and sixty. I regret to state that but small progress has been made towards the erection of the building. The Board of Trustees elected by a Joint Convention of the two Houses of the Legislature, organized, and as provided by the law, I appointed one of their number Superintendent. This act terminated my jurisdiction over that body. Since then they have elected another of their own number Secretary, and the remaining one, Architect, thus making the institution complete within itself and secure from all extraneous influences. I have learned little of their transactions save the auditing of their salaries. I predict the undertaking a failure, and regret having given the measure my official sanction.

I would recommend a repeal of the law, and that a separate department within the walls of the present State Prison be set apart for this class of offenders. They can be kept entirely separate and apart, and without the sight and influence of the more hardened criminals. They can be taught the various branches of industry, and be fitted, when reformed, to become useful to society. A building for this purpose can be erected by prison labor, with comparatively little expense to the State; the same officers and guards necessary to the prison can take care of these youthful offenders, and the only additional expense the State need incur will be that of teachers. I trust you will agree with me in the proposed change. The report of the Trustees is herewith submitted.

It was supposed that a building sufficient to accommodate eighty boys, as contemplated by the act, would be erected and completed during the past year. The Trustees intimated to Mr. J. C. Pelton that he would be selected to superintend the instruction of these youths. With this understanding, Mr. Pelton applied to me for commendatory letters to institutions of similar character in the Atlantic States, which he visited for the purpose of obtaining such information as would enable him to enter upon the discharge of this duty with practical intelligence. It is but justice to this gentleman to state that the object of his visit has been successfully accomplished, and that he brings as voluntary contributions in aid of the school, a valuable library collected during his visit to the Atlantic States.

#### CHARITABLE INSTITUTIONS.

Through the liberality of the last Legislature, appropriations were made for the following charitable associations, to wit: "The Society for Destitute Females of California," the sum of five thousand dollars; the "Roman Catholic Orphan Asylum of San Francisco," the sum of six thousand dollars; the "Protestant Orphan Asylum of San Francisco," the sum of six thousand dollars; the "Roman Catholic Orphan Asylum

of Los Angeles," the sum of one thousand dollars; the "Ladies Protection and Relief Society of San Francisco," the sum of five thousand dollars—amounting, in the aggregate, to the sum of twenty-three thousand dollars, all of which have been drawn from the treasury. From the reports of the Trustees having the conduct of these several institutions, herewith transmitted, you will learn of the beneficial results of the same. I am fully impressed with the sound policy of making these donations, when the condition of the treasury will permit, and have every reason to believe that the money has been expended in a praiseworthy and judicious manner.

In addition to the above, the appropriation for the care and education of the Deaf, Dumb, and Blind, amounting to the sum of ten thousand dollars, has nearly all been drawn out of the treasury, and from the well known character of the gentlemen having the same in charge, the most satisfactory and economical expenditure of the money can with certainty be relied upon. For the details of the operations of the institution, I respectfully refer you to the report of the Trustees.

#### STATE CAPITOL.

By virtue of the Act providing for the construction and location of the State Capitol in the city of Sacramento, the Commissioners adopted plans and specifications, in accordance with which they advertised for proposals to build the first section of the work, comprising the foundation and basement story, notifying bidders that the Commissioners were not authorized to contract for an amount of work to exceed the sum of one hundred thousand dollars. These bids were opened in the Assembly Chamber, in the presence of the competitors and citizens, and the contract awarded to the lowest responsible bidder at eighty thousand dollars, upon his filing satisfactory bonds for the performance of the work, in accordance therewith. The work is now progressing, and I am assured by the Contractor, that he will have completed this portion of the work within the time limited, (ten months.)

By careful calculations made by the Architect in accordance with the plans and specifications, it is represented that the whole can be completed within the contemplated appropriation. It would be well to amend the law, so as to allow the Commissioners to contract for the whole balance of the work at once, payable in installments, as is now required by the present Act; I am sure, that economy to the State will thereby be secured. I would also recommend that enlarged powers be conferred on the Commissioners, not limiting them to the lowest bidder, but giving them the power to select upon exercising a sound discretion.

The plans and specifications, together with the contract, etc. are on file in the office of the Secretary of State, for your inspection.

#### GEOLOGICAL SURVEY.

Under the act of the last session, providing for a geological survey of the State, it affords me much pleasure to be able to inform you that the officer having charge of this duty has organized his corps and entered upon the discharge of that important survey. I trust, that I will be able to lay before you, ere the close of the session, a report of the progress of his investigations, and hope that appropriations will be made so as to secure the continuance of an undertaking that cannot fail to redound to the benefit of the State, and the advancement of science.

#### EASTERN BOUNDARY OF THE STATE.

The Act of eighteen hundred and fifty-nine authorized the Executive

to appoint a suitable person on the part of the State to act in conjunction with a Commissioner, to be appointed on the part of the United States, to ascertain and mark the eastern boundary line, dividing this State from the Territories of the United States. This Act was repealed last Winter. The General Government not being aware of the repeal of the Act, and believing that it was still in force, sent the Commissioner on its part, and requested me to designate the Commissioner to act for California. But not conceiving it to be the duty of the Governor to assume powers not conferred by law, I declined making such appointment until the representatives of the people, by further legislation, indicated their wishes on the subject. The importance of having such boundary clearly established at as early a day as possible, must be manifest to all. The Commission on the part of the United States, in full force, is now in the field, and I trust that you will, at the earliest day practicable, provide for the legal co-operation on the part of California, in a work so much needed.

The operations of the Surveyor-General, in ascertaining that portion of the line contemplated by the Act of 1860, will no doubt be reported in detail to the Legislature by that officer. Of the results accomplished I have no information, as the Act makes it his duty to report to the Legislature directly.

#### CONSTITUTIONAL CONVENTION.

For the third time in the short history of our State, your predecessors deemed it advisable to submit the question of revising our Constitution to a vote of the people, and for the third time has it been defeated, plainly showing that the people are satisfied with our Organic Act. At the recent election, the friends of revision resorted to every expedient to secure a favorable result; political conventions issued their mandates to the local committees to print the words "For a Convention" on their tickets; and, notwithstanding these expedients, the people have repudiated the idea of a change.

I trust that the good sense and intelligence of the people will not again be questioned by forcing this subject upon them, which has been sealed so often by public condemnation. Our present Constitution is a good one in the main, and with a few amendments, which can be made in accordance with the provisions of that instrument itself, we will continue to prosper and progress under our present Constitution, as we have done since our organization as a State. We are just beginning to feel the beneficial results of the wise restrictions contained in that instrument, the Courts have construed its meaning and provisions—stability and confidence is being established. To make a radical change at this time, would be setting us adrift on an ocean of uncertainty. Banks might be inaugurated; a wholesale system of internal improvements attempted, if not consummated, and our present specie currency might be supplanted by the circulation of worthless paper, giving rise to temporary prosperity, to be periodically followed by general prostration.

I would recommend that amendments be submitted for the ratification of the people. This can be done without expense to the public treasury. Among the amendments, those suggested to my mind as useful, would be the addition of two more Judges to the Supreme Bench. The amount of labor now before the Supreme Court is certainly too onerous for three Judges; and in order that full justice should be given to the various and novel questions that are constantly brought before the Court, five Judges at least are required.

It might be well to consider the propriety of abolishing the personal Biennial sessions of the State Legislature, limiting the same to not longer than sixty days, would also be a great improvement.

liability clause relating to corporations, in the thirty-sixth section of the fourth article of the Constitution; as a material result, we could then establish our own insurance companies, etc.; and why may they not be established on as firm and safe a basis as that of the foreign companies our people have long been, and now are, patronizing, and to which a sum amounting to nearly one million and a half of dollars is annually paid? This enormous amount of money could thus be saved to the State, by removing this personal liability clause, and so much more capital be used in developing the resources of our own State, and to help enrich our people. Many methods, other than this personal liability clause, will readily suggest themselves to the Legislature as a means of protection against abuses.

It has been represented to me, from a source entitled to great respect, that the litigation in mining cases would seem to demand that the jurisdiction of Justices of the Peace in those cases be increased. The cost and expenses of taking miners as witnesses to the county seat, often a distance of many miles, works a great hardship. This could be avoided by simply empowering the Justices of the Peace, in mining cases, to have increased jurisdiction to the extent of five hundred dollars. I respectfully suggest, that if deemed advisable, you would submit an amendment to that effect.

#### PARDONS.

A list of the persons pardoned and restored to citizenship during the last year, with the reasons therefor, will be laid before you, as required by law

I have found it necessary and compatible with justice, to exercise this prerogative to a very limited extent during the past year. I can assure you that this power, conferred by our State Constitution on the Executive, will not be abused by me, but exercised with due caution and discretion—not for the purpose of thwarting justice, but to aid and assist it when the remedy shall have passed without the control of the proper tribunals.

#### STAMP ACT.

The law of last session amending this portion of our Revenue Act has not proved advantageous. The revenue from this source for the six months ending May thirty-first, eighteen hundred and sixty, was seventy thousand seven hundred and sixty dollars and fifty-one cents. The amount received for the six months ending November thirtieth, eighteen hundred and sixty, was sixty-six thousand two hundred and fifteen dollars and eighty-five cents, showing a falling off under the amended Act for that period, of four thousand five hundred and forty-four dollars and sixty-six cents. The expenses during the six months ending May thirty-first, one thousand eight hundred and sixty, was three hundred dollars, while the expenses during the six months ending November thirtieth, eighteen hundred and sixty, amounted to the sum of fourteen hundred and twenty-six dollars and thirty-three cents, making an excess of expenditures for the last six months over the previous, of eleven hundred and twenty-six dollars and thirty-three cents. It will thus be seen that the revenue has fallen off under the operation of the new law very considerably, while the expenses have been materially increased. It is evident to my mind that the law should be amended and a remedy provided.

#### PROTECTION OF IMMIGRANTS.

Under the provisions of "An Act to afford Protection to Immigrants to California," approved March fourteenth, eighteen hundred and sixty, I appointed Mr. Charles Dickinson the Commissioner on the part of the State to reside in the city of New York, who at once entered upon the discharge of his duties, and through his efforts the frauds heretofore practiced upon the unsuspecting passengers to this State by dealers in fraudulent tickets, have been in a great measure, if not effectually stopped. By his vigilance, several of the guilty parties have been brought to justice, and are now suffering the penalty of their offense in the prisons of that State. He is required to report to the Secretary of State, and I presume the statistical information required of him by the law will be found on file in that office for your information.

#### WASHINGTON MONUMENT.

The amount appropriated to the Washington Monument Fund, (one thousand dollars,) by the last Legislature, has been by me transmitted to the Treasurer of that association.

The people of our State have been liberal in their contributions to this fund. At the last general election, an amount reaching to nearly eleven thousand dollars is acknowledged to have been received by the agent residing in this State, on that day alone, thus showing that our people have contributed a full proportion to the expense of this very laudable object.

#### WASHOE MINES.

The extraordinary developments of the mineral resources of this region have attracted to that portion of Utah Territory immediately bordering upon our most populous mining counties, many thousands of our citizens. The population of that interesting section, from the best information that I can obtain, are anxious to be annexed to California. The great mass of the population of Utah reside in the region of the Great Salt Lake, and they also, as I am informed, are willing to allow this separation to take place.

I would therefore recommend, before our eastern boundary is finally surveyed, that Congress be memorialized to allow California to extend her eastern boundary to the one hundred and eighteenth degree of longitude west from Greenwich. This would embrace the silver region of Utah, add to our material wealth, and bring within the jurisdiction of our own State thousands of citizens whose interests, sympathy, and attachments, are purely Californian.

#### CARSON VALLEY WAR.

While engaged on official duty at the State Prison, in the month of May last, intelligence was brought me of serious Indian outbreaks having occurred in Carson Valley, in which some of the most distinguished citizens of this State had been slain. I was called upon for relief, and although without the boundary of the State, and not within my official jurisdiction, I nevertheless considered it due to our own citizens, who composed nearly the entire population of that district of country, as well as the dictates of humanity, and the common ties that bind us together as one people, to render them all the aid in my power, which I promptly did, having a due regard to economy.

I deem it proper here to state, that the demands were for arms and ammunition only, not for men. The arms belonging to the State were



promptly delivered to the citizens of the city of Sacramento, who evinced their patriotism and liberality by voluntarily contributing the sum of two thousand dollars to defray the expenses of their prompt transmission by an escort of her citizens.

I called upon the late General Newman S. Clark, Commanding the Pacific Division of the United States Army, for five hundred stand of rifles, and one hundred thousand rounds of ammunition, which were at once provided by that distinguished soldier, I assuming the responsibility of their return or their equivalent. The late Major-General Joshua P. Haven, of the second Division of California Militia, and Col. C. W. Tozer, one of my Aids, volunteered their services for the transmission of these arms to Carson Valley, and it affords me pleasure to testify to the celerity and efficiency in which that important trust was discharged by those officers.

Subsequently the officer in command of the Benicia Arsenal, in consequence of orders received by him from the Secretary of War, made a demand upon me for the return of these arms and accoutrements. I caused to be collected and returned to the Arsenal at Benicia, three hundred and seventy-seven rifles and accoutrements, and eighty thousand rounds of ammunition. Upon representations of the urgent necessity therefor, I loaned for the protection of the Pony Express, to the Agent of the company, forty-six rifles, to be returned when needed. Sixty rifles are deposited with the United States Marshal of Utah Territory, and will, no doubt, soon be received and returned to the Benicia Arsenal, thus leaving only seventeen rifles to be accounted for. As I became personally responsible for these arms, I trust you will take such action as you deem meet for my protection.

I trust that appropriations will be made to meet the small indebtedness that was necessarily incurred, and for the payment of which the faith and honor of the State stands pledged; from the best information I can obtain in relation to these expenditures, the amount is comparatively trifling.

I feel injustice would be done, were I not to mention the noble conduct of the Sierra Battalion. Upon my demand this corps forwarded the arms and ammunition in their possession, and I am informed by an officer of the battalion that they have made no charge to the State whatever.

Tenders of service from half the volunteer force of the State were promptly made to me for this emergency, and although declined, I deem it but a just tribute to their gallantry as soldiers and patriotism as citizens, to thus acknowledge their devotion to the State and humanity.

#### INDIANS.

It affords me infinite satisfaction to be able to state, that troops have not been called out by the State for the suppression of Indian hostilities within our boundaries—hence, a very onerous tax upon the treasury has been avoided, and one, too, that for previous years has been keenly felt. It is true that representations for the necessity of calling out troops have been made me, but from the best information I could obtain from the United States Commander, whose duty it was to suppress disturbances of this character, I was satisfied that the representations so made were exaggerated, and that the Federal troops in the immediate vicinity were amply sufficient for the protection of our citizens.

With the testimony, taken by the Investigating Committee appointed by the last Legislature, on this subject before me, and information obtained from other reliable sources, I could but see, in too many of these forays, the indiscriminate slaughter of defenseless women and children.

The representatives of the Federal Government having in many instances failed, perhaps through inability, to provide for the necessities of these tribes, the encroachments of the white man and his numerous herds having driven them from their hunting grounds, it was not unnatural that in their want and destitution they should have made reprisals on the stock of our citizens; I cannot learn that their offenses extend much if anything beyond this.

The near proximity of savage tribes to the rapidly-advancing frontier of the white settlements, makes the whole subject one of great difficulty, and one that addresses itself to our forbearance and humanity. I have every assurance from the gallant officer now in command of the Federal forces on this coast, that the force at his disposal will be equal to any emergency on this subject, thereby relieving the State from this embarrassing and expensive responsibility.

#### ABOLITION OF FEES.

To meet the interest on indebtedness and keep pace with extravagant fees, the people are groaning under grievous and onerous taxation, in some counties amounting to four and five per cent. per annum upon the valuation of their property. Unless you, in your wisdom, stop at once this system, men of means will seek some other State or country, where their industry and capital will not be sapped by ruinous taxation. I would suggest the abolition of fees, and instead, the enactment of a salaried system in every county in the State. It has been tried in San Francisco, under the operations of the Consolidation Act, passed in eighteen hundred and fifty-six, and has reduced the expenditures of that city and county more than fifty per cent., and secured a city government unequaled for efficiency and, perhaps, unparalleled now in the Union. Why not, then, with this example before us, grant the same relief to other counties? I cannot see what justice there is in a County Clerk, Sheriff, or Tax Collector, getting emoluments amounting to from ten to thirty thousand dollars per annum, while our Chief Justice and Chief Magistrate get but six thousand dollars per annum.

The Tax Collector receives the taxes from the hands of our property holders, while sitting in his office, and receives from five to fifteen per cent. for his fees; why not pay it over at once to the Treasurer, who is also in readiness in his office, waiting to receive it from the hands of the Collector? He, too, receives three per cent., and thus, in many instances, one-fifth of the revenue of the State and County is, at one fell swoop, appropriated to these two officials. In my opinion, the Treasurer should receive the taxes directly from the hands of the tax-payer, only receiving his two or three per cent. and the delinquent list handed over to the Sheriff, or Collector. All laws relating to revenue should be equal and uniform throughout the State, and the evils of special Legislation should be stopped. The fees that county officials now receive, in all instances, should be paid into the respective county treasuries under oath, and should pass to the credit of the county, and moderate salaries paid to our county officers. This, I am sure, would redound to the credit of the State and County, and remove all temptation to speculation and extortion. I feel that there will be a powerful opposition to a reformation of this kind, but I sincerely believe that, until this be done, the evils I portray will continue to increase from year to year, and perhaps repudiation be resorted to as a remedy.

#### SUPREME COURT REPORTS.

I deem it proper to call your attention to the peculiar condition of the law regarding the reports of the Supreme Court. The reports for the

current year, it is estimated, will cost the State the sum of sixteen thousand dollars, and by the Appropriation Act for the support of the government for the twelfth fiscal year, only six thousand dollars in round numbers appears to be set apart for that purpose. It is found to be impossible to compress the reported cases of the year into one volume, as the law would seem to contemplate. I would recommend that you give this subject a careful investigation, and ascertain the amount absolutely required for this purpose, and make the appropriation accordingly.

#### POLL TAX.

The revenue from this source, since its imposition, has failed to meet the reasonable anticipation of those who desire to see the burdens of government equally distributed among those who share its blessings and protection. In my opinion there is not a more just tax imposed than this. Yet there is none that is fraught with so many difficulties in its collection. All who enjoy the blessings of free government should be willing to bear their proportion of taxation for its maintenance, and for those who try to evade, there should be stringent laws for its enforcement. The revenue from this source, for the present year, amounts to only about fifty thousand dollars—while our voting population is one hundred and twenty thousand. Add to this number sixty thousand white adult male inhabitants not voters, but equally liable to pay this tax, and we have one hundred and seventy thousand at least subject to it, even making a liberal allowance for those who are by age exempt from its operation. The poll tax should yield a net revenue of over one hundred and fifty thousand dollars. I would suggest that no one be allowed to vote who has not paid his poll tax. I can see no injustice in such an enactment. As it now exists it is oppressive, unequal, and unjust. A few good and law abiding citizens pay this tax, but the great majority fail to do so; if it cannot be enforced it were better abolished.

#### MILITIA.

Your attention is called to the necessity of a more perfect organization of our volunteer soldiery. In the absence of any report from the Quartermaster-General, I am unable to give such information as I should wish on this subject. A military spirit exists in this State, not excelled by any other State in the Union, and it has been a matter of sincere regret that I have been unable to meet the demands made upon me by our volunteer companies from nearly every hamlet in the State for arms. In case of the hostility of Indians, or for the purpose of suppressing insurrections, should they unhappily occur, there is not in our State Armory a sufficient amount of arms and ammunition to arm and equip one hundred men.

The attention of Congress, through our representatives, should be called to our isolated position, and the exposed condition of our extensive frontier, and efforts made to procure for us, in addition to the quota to which we are entitled, ten thousand stand of arms, with accoutrements, etc.

Our present military tax of twenty-five cents per capita, should be increased to one dollar, and a property tax levied of five cents on each one hundred dollars valuation of the real and personal property in the State, to raise a fund for the purchase of arms and rent of an armory for at least each regiment. The importance of organizing and arming our volunteer force cannot be too highly estimated, and I earnestly hope you will take steps to secure this end before adjournment.

### APPORTIONMENT OF THE STATE.

I trust that early action will be had upon the apportionment of Senatorial and Assembly Districts among the different counties of the State, according to the white population as ascertained by the last decennial census, taken by authority of the United States, copies of which will be found on file in the Secretary of State's office for your guidance. I think the interest of the State would be served if the number of Assemblymen and Senators were reduced so as to approximate to the minimum number designated by the Constitution. Both bodies might thus be rendered more efficient, and the cost to the State reduced materially. Mileage should be abolished and actual traveling expenses only allowed.

### SHORT SESSION.

The business of the present session of the Legislature should be brought to a successful conclusion in from forty to sixty days, thereby avoiding a vast expenditure of the people's money. The accumulation of statutes and journals only lead to confusion, and many of our present laws had better never been passed, and the sooner they are repealed the better. These surplus enactments only serve to enrich the printer and give employment to a host of supernumerary attachés. I earnestly entreat for a short session and an avoidance of appropriations where there are not funds to meet them, or provided for, in the treasury.

### FEDERAL RELATIONS.

The startling events transpiring upon our Atlantic seaboard, would seem to indicate that the Union which binds our free and happy confederacy together, is in imminent danger of disruption. Such a state of affairs exists as makes it probable that, unless the conservative element of the Union steps forth and places itself in the breach, the dire calamity of dissolution will follow. At such a time as this, I deem it due to the position I occupy, to lay before you the critical position of our federal relations, and express to you, the people's representatives, the deep solicitude I feel in the perpetuity of that Union transmitted to our care by the Fathers of the Revolution, for the benefit of succeeding generations—for the security of civil and religious liberty—and the honor, glory, and power, of the American name.

The people of California, comprising natives from all portions of the Union, and naturalized American citizens representing every section of the country and every class of society, have always proven their devotion to the Union, and have always manifested a loyalty to the confederacy, which distance from the Central Government would only seem to strengthen. Having so often manifested, by her vote, her disapprobation of all sectionalism—having repeatedly shown her eminently national position on the unhappy questions which threaten a disruption of the Union—having no interest in slavery, and no fugitive slaves to surrender—having no personal liberty bills, so called, on our statute books to taunt our brethren of the South—the voice of California at this time should at least be entitled to respectful consideration.

There is no State in the American Union that has, in so short a time, added so large a quota to the material importance and commercial greatness, as California has to the confederacy of which she is a member; and none, perhaps, has received so little in return. Notwithstanding this, she stops not to calculate the pecuniary value of her connection with the Union. Such sordid motives find not a resting place in the bosom of Californians, for they are for the Union at all hazards! They are satisfied with the benefits flowing from a united confederacy, and will, I am satis-

fed, make every effort to maintain intact, and do their part in preserving, as received from their forefathers, a boon such as never before was granted to any people.

In view of such a state of affairs, I cannot conceive any measure more worthy of your patriotic consideration than this, and as the representatives of a free people, representing a constituency eminently patriotic, the Legislature of a sovereign State not interested in the institution of slavery, you should, by joint resolution, express your disapprobation of all measures with which any portion of the confederacy may be justly dissatisfied, or their constitutional rights, in their humblest degree, affected.

The nullification of the Fugitive Slave Law, and the passage of Personal Liberty Bills by many of the sovereign States, cannot be viewed in any other light than subversive of all amicable relations between those States and that portion of the confederacy interested in slave property. These enactments are unconstitutional, are founded upon injustice and bad faith, and are in violation of the federal compact. The authors of them have been forewarned of their evil results, and now that they see the danger, it is hoped that a sense of returning justice, and the patriotism that so eminently distinguished the citizens of those States, in the earlier days of the Republic, will cause them to repeal those obnoxious statutes, and by this means restore peace to the country and permanency to the Union.

The estimation in which California is held by both of the contending sections—her citizens, as it were, being a Congress of the whole confederacy—fits her for a mediator, and this is the position she desires to occupy.

It is folly to suppose that she desires a separation from the Union, and while she finds the border States of Maryland, Delaware, Virginia, Kentucky, and Missouri, battling for the Union, the voice of California will greet them, and her example will encourage the other free States to make any reasonable sacrifice to preserve our liberties, and the blessings which flow from a united nationality. The people of California desire no change in our form of government; they desire no dismemberment that would weaken us as a powerful people; our vast seaboard unprotected, requires the fostering care of a powerful maritime nation, such as the American Union has become; they desire to remain in the Union, and grow with its growth, and strengthen with its strength, and while anything exists worthy of being called an American Union, I mistake much if the people of California will not cling to it with a patriotic devotion worthy of men who can appreciate the blessings of self government. While California will thus cling to the Union, she will expect justice from her sister States, each to the other, as she, confident in her own resources, and justly proud of her vast domain, her unparalleled mineral wealth, her commercial position, her unsurpassed fertility of soil, and geniality of climate, feels she would have the right to and would demand, in the event of encroachments being attempted to her injury.

Having suggested the steps that the Northern States, which have passed through their Legislatures unfriendly acts towards the South, should take towards effecting an amicable adjustment of the existing differences, the South should be satisfied with this, and the entire removal of the slavery question from the Halls of Congress. Let the people of the Territories settle the question of domestic slavery within their borders, and be admitted into the Union with or without a slavery clause in their constitution. The precise time at which the people of a Territory should be enabled to decide this question can be settled by the act of compromise itself. This difference certainly is not of sufficient importance to cause a dissolution

of the Union, and although I, in common with a very large proportion of the people North and South, as manifested by the recent election, have always believed that the people at all periods of their existence have control of this subject, yet an abstract question like this should not for one moment be placed in comparison with the greatest of all earthly blessings, the preservation of the Union of the American States, and that Constitution which has secured to us such a meed of civil and religious liberty as never before in ancient or modern times has been vouchsafed to man.

It is natural that much interest should be felt in the position that California should occupy in this unhappy struggle. The rich domain and littoral advantages of the Pacific Empire have been acquired by the blood of the common country, and purchased by the treasure alike belonging to all. Let us show them our gratitude for this inheritance by our patriotic efforts to preserve it for the enjoyment of a proud and prosperous nation, and let the commerce of China and Japan, and the great Australian Empire, and the Spanish American Main, already at our doors, enter our ports, and pass through our Territory to the East on a national railroad. Let our inexhaustible supply of gold flow with it, there to build up cities, enrich a nation, and make us that powerful people that our position entitles us to be—the glory of the age, the wonder of the world, fulfilling the destiny awaiting us in riper years.

A united people can accomplish great results, and in the verification of this, we see what England has accomplished. She has given her language and her laws to new empires; and, by the efforts of her united people, her literature and influence, her commerce and customs, encircle the earth, while Germany, always more populous, lacking nothing in energy, skill, and scientific attainments, is divided into separate nationalities, and with her world-renowned literature and rich and expressive language, with a frugal and industrious population, has remained stationary.

In the wide field for the acquisition of new empire, and the spreading of her language and laws, Germany cannot point to a spot without her "pent up Ætica," on either hemisphere, where she has made her impress. Her citizens emigrate to other countries to swell the greatness of foreign nationalities, to be absorbed and lost forever to the great Teutonic family, and to its language, literature, and laws; and why is this? Because Germany is divided, and, although two of the members of the Germanic Empire are classed as of first importance among European nations, yet, neither of them is able to protect her own citizens in a foreign land.

Spain, Portugal, Holland, and Denmark, because they are united, have all accomplished something toward the spread of their literature, language, and laws, and, although second class powers, united and homogeneous as they are, they are in a condition to protect their citizens at home, and command respect abroad. How important for us to be united, what a bright destiny is before us as a united people, and what earnestness and perseverance should characterize our efforts to maintain the Union as it is, fraught with so many blessings to our people at home, and consolation to our citizens abroad, who rely with confidence upon that certain protection afforded by the emblem of the nation's progress, which, thanks to a kind Providence and wise councils, still floats upon every sea, and will, I trust, till time shall be no more.

Having thus fulfilled a constitutional duty, let us invoke the blessings of the Supreme Being upon our efforts to discharge the sacred duty we owe to the people of the State with promptness, fidelity, and economy, in all of which you will have my earnest co-operation.

JOHN G. DOWNEY.

**APPENDIX**

**TO**

**GOVERNOR'S MESSAGE.**

## LIST OF PARDONS

*Granted by Governor John G. Downey, for the Year 1860.*

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 15, 1860..	S. Petit de Ver- genne.	Perjury.	San Diego.	1 year.	That it is generally believed the mind of the prisoner is affected with some mental aberration, which, from extraordinary excitement of any kind, confuses, perplexes and destroys his memory, and such was the case when he swore to the falsity of his signature on a certain note; also, that he had resided in the county of San Diego nearly a year and was highly respected and generally spoken of as a gentleman.	George A. Pendleton, County Clerk, San Diego County; D. B. Kurtz, County Judge, San Diego County; George Lyons, Sheriff, San Diego County; R. E. Doyle, and others.
	<p>DECISION.—The Judge before whom he was tried, the Sheriff, County Clerk, and nearly all of the most respectable citizens of San Diego County, petition for his pardon, and his previous character having been good, and the fact that he was a foreigner, and not familiar with our laws and language, and also grave doubts existing in the minds of the petitioners as to his guilt—for the above reasons let him be pardoned. March 20th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
March 15, 1860	Roman Morales.	Rape.	Los Angeles	5 years.	The separate affidavits of the child upon whom the rape was charged to have been committed and the mother of said child, that said Roman Morales was innocent.	Ma. Millana Valenzuela, Soberlano Ybarra.
	<p>DECISION.—Subsequent testimony having established the innocence of said Morales, let him be pardoned. March 30th, 1860.</p>					





# LIST OF PARDONS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 7, 1860..	Madison James.	Murder, second degree.	San Mateo.	10 years.	Serious doubts are entertained of his guilt, having been convicted entirely on circumstantial evidence—the declaration of the deceased, (Wm. Lawless,) made in the presence of several of the petitioners, being that James was not guilty, which declaration was not submitted to the jury, being overruled by the Judge.	M. A. Parkhurst, Postmaster; Chas. D. Judah, District Attorney, San Mateo County, and others.
	<p>DECISION.—Serious doubts being now entertained by the District Attorney of the guilt of this party, and a statement having been made by the Judge, that the term should be shortened by the exercise of Executive clemency, and further, that affidavits are made by respectable citizens of San Mateo County, that the dying declaration of Lawless was ruled out by the Court, on the ground, that he was not then conscious of immediate danger of death, when in fact that he died immediately after, and the burden of proof is, that he was conscious of his condition at the time. From these considerations, and his previous good character, his good behaviour while in prison, and the respectability of the petitioners in his behalf, with the fact of his old age, induce me in this case to extend Executive clemency. Let a pardon issue. May 19th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
July 13, 1860..	Dolores Sepulveda	Grand Larceny.	Los Angeles	2 years.	That the evidence of Francisco Balletero shows that said Sepulveda was innocent, and that the saddle was stolen by another person and by him sold to the prisoner.	R. H. Dimmick, E. Drown, M. J. Newmark, S. F. Reynolds, Wm. Pickett, C. E. Thom.
	<p>DECISION.—I am satisfied from the affidavit of Francisco Balletero, on file in this case, that said Sepulveda is innocent of the crime for which he has been convicted and sentenced. He is therefore pardoned. July 18th, 1860.</p>					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 28, 1860..	Patrick Harrington.	Murder, second degree.	Nevada.	10 years.	Subsequent developments since his trial and conviction have caused a doubt as to his guilt.	Niles Scaries, District Judge, Nevada County; David Beldin, County Judge, Nevada County; E. W. Maslin, District Attorney, Nevada County; J. B. Van Hagen, Sheriff, Nevada County; Thomas Findley, Treasurer of State; Geo. D. Roberts, Robert Watt, and many others.
	Decision.—Subsequent developments since the trial and conviction have caused the District Judge before whom he was tried, to petition for his pardon; also, the District Attorney, County Judge, and Sheriff of said county, together with the Treasurer of State, and two hundred others, many of whom are prominent citizens of Nevada County, personally known to me. Let him be pardoned. August 1st, 1860.				Good conduct during his imprisonment, and former good character.	George Leaviston, County Judge, Solano County; B. G. Osborne, Ex-Sheriff, Solano County; J. M. Jones, Deputy Sheriff, Solano County; J. G. Lawton, Associate Justice, Solano County; Thomas Findley, Treasurer of State, and many others.
Aug. 20, 1860..	James Veehorn.	Assault to kill.	Solano.	2 years.		
	Decision.—From the former good character of said Veehorn, his term of sentence being nearly expired, and the members of the Court of Sessions, and many of the most respectable citizens of Solano County, recommending his pardon, I deem the interest of the public best subserved by extending Executive clemency. Let him be pardoned. August 20th, 1860.				The punishment already received is more than adequate to the crime committed.	Judge A. C. Monson, Captain W. H. Taylor, Captain E. H. Poole, Seth Kneeland, and others.
	Name.	Crime.	County.	Sentence.		
Aug. 30, 1860..	Gus Davis.	Passing Counterfeit Money.	Sacramento.	4 years.		
	Decision.—The legal notices having been complied with, and due publication having been made, and the fact that at the time of the commission of the crime and the sentence, the said Davis was a boy only fifteen years old, it is to my mind evident, that the punishment already inflicted is more than adequate to the offense committed. Let him be pardoned. September 6th, 1860.					

### LIST OF PARDONS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Sept. 23, 1860..	José Inoscente Ybarra.	Grand Larceny.	Los Angeles	4 years.	His youth, and a sick mother and a blind father, together with their family of children, are all dependent upon his labor for their support, and having served out the greater part of his sentence.	Pío Pico, Enrique Dalton, W. G. Dryden, County Judge, Los Angeles County; Benjamin Hayes, District Judge, Los Angeles County; Manuel Requerra.
	<p>Decision.—The County Judge, before whom he was tried and sentenced, together with the District Judge and numerous citizens of the county of Los Angeles, unite in petitioning for the pardon of said Ybarra, and set forth that on account of his youth and ignorance of having perpetrated an offense, his already prolonged imprisonment, the law has been fully vindicated, and the public will not be injured in this case by the exercise of Executive clemency; and whereas the said Ybarra has conducted himself during his imprisonment in an exemplary manner, let him be pardoned. Oct. 11th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
May 26, 1860..	William A. Buster.	Embezzlement.	Sonoma.	8 years.	Good conduct during imprisonment and having been punished sufficiently.	Wm. Churchman, County Judge, Sonoma County; S. Lewis, member of Assembly, Marin County; Wm. Henry, County Judge, Mendocino County; J. B. Price, Sheriff, Mendocino County; J. W. Morris, Treasurer, Mendocino County; and a large number of citizens of Sonoma, Mendocino, and Marin counties.
	<p>Decision.—A pardon in the above case is petitioned for by a large number of the most respectable citizens of Sonoma County, and the Judge before whom he was tried and sentenced, petitions in an especial manner, setting forth that the majesty of the law has been fully vindicated; and whereas, his excellent conduct during his long imprisonment, as testified to by the officers of the prison, gives every evidence of a complete reformation. Let a pardon issue. Oct. 11th, 1860.</p>					



# LIST OF PARDONS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Sept. 28, 1860..	Jesse Allnutt.	Manslaughter.	Nevada.	2 years.	That the said offense was committed under great provocation—there were many palliating circumstances connected therewith. The said Allnutt has always, previous to the time of the commission of his offense, borne, and still bears, the highest character for being an orderly, peaceable, quiet and law-abiding citizen. There is dependent upon him for support a helpless and unprotected woman, his sister, the wife of the person killed by said Allnutt. The ends of justice have been fully satisfied by the conviction and punishment which Allnutt has already suffered.	Niles Searles, District Judge, Nevada County; J. Lambert, County Clerk, Nevada County; E. W. Maslin, District Attorney, Nevada County; J. Anderson, Committing Magistrate, Nevada County; Jas. B. Van Hagen, Sheriff, Nevada County; T. Laird, John T. Crenshaw, and over three hundred others.
	<p>Decision.—The Honorable District Judge, the District Attorney, the Committing Magistrate, a number of the jurors, and three hundred and fifty respectable citizens, petition for his pardon. They represent that in the conviction of Allnutt and the punishment already received, the ends of justice have been fully satisfied. From a careful examination of the evidence in this case, a transcript of which is before me, and considering the strong provocation that incited the act, I am satisfied that the law has been fully vindicated. These considerations, accompanied with proof of excellent conduct since his imprisonment, induces me to extend Executive clemency. A full pardon is therefore granted. November 13th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
Oct. 20, 1860..	Charles E. Beach.	Assault with a deadly weapon.	Humboldt.	1 year.	That this was his first offense and was not premeditated; his conduct during imprisonment was excellent and the punishment already received is amply sufficient.	A. J. Huestis, County Judge, Humboldt County; J. H. Kimball, Associate Judge, Humboldt County; J. E. Wyman, District Attorney, Humboldt County; A. M. Hanna, County Clerk, Humboldt County; Jas. T. Ryan, State Senator, Humboldt County; S. G. Wipple, L. M. Benson, W. C. Martin, President Board Supervisors, and others.
	<p>Decision.—The County Judge before whom said Beach was tried, one of the Associate Justices, the District Attorney, Sheriff, and President of the Board of Supervisors of Humboldt County, petition for his pardon. The State Senator for that district, and Member of Assembly for the county of Humboldt, besides other respectable citizens, personally known to me, join in the petition. The officers of the State Prison testify to his excellent conduct during the term of incarceration, all of which induces me to believe that this is a proper case for Executive clemency. He is, therefore, pardoned. November 21st, 1860.</p>					

Total Pardons..... 16.

# PARDONS FROM COUNTY JAILS

*Granted by Governor John G. Downey, for the Year 1860.*

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 11, 1860.	Michael Fritch.	Assault and Battery.	Sacramento.	Fine \$1,200 or Co. J'l 600 days.	Facts since the sentence have come to the knowledge of the Police Judge, which if they had been presented on the trial would have materially altered the judgment, and also that he has suffered sufficiently for the crime committed.	John C. Barr, Police Judge Sacramento City, L. Sanders, Jr., J. P. Hardy, Warden of Prison, Catharine Fritch, (wife of prisoner.)
	<p>DECISTOX.—In the above case I am satisfied that said Fritch has suffered sufficiently, and should be released. Let a pardon issue. May 12th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
May 30, 1860.	Mary Mannix.	Petit Larceny...	San Francisco.	6 months in Co. Jail.	The father has remitted funds to California for her passage home, and hopes are entertained that under his charge a thorough reformation will be brought about.	M. C. Blake, Co. Judge San Francisco County, H. S. Brown, District Attorney.
	<p>DECISTOX.—Representations having been made to this department, that in consequence of the youth, and general good deportment of the said Mary Mannix, reasonable hopes are entertained of her reformation. The Judge before whom she was tried and sentenced, and the District Attorney who prosecuted the case, earnestly recommended her pardon. Let a pardon issue. June 1st, 1860.</p>					



# PARDONS FROM COUNTY JAILS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 30, 1860.	Margaret Mannix.	Petit Larceny...	San Francisco.	6 months in Co. Jail.	The father has remitted funds from New York to California, to pay her passage home, and hopes are entertained that, under his charge, a thorough reformation will be brought about.	M. C. Blake, County Judge, San Francisco County, H. S. Brown, District Attorney.
	<p>Decision.—Representations having been made to this department, that in consequence of the youth, and general good deportment of the said Margaret Mannix, reasonable hopes are entertained of her reformation. The Judge before whom she was tried and sentenced, and the District Attorney who prosecuted the case, earnestly recommend her pardon. Let a pardon issue. June 1st, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 28, 1860.	Franklin Smith...	Burglarious im- pium'ts in pos- session.....	Sacramento.	1 year Co. Jail.....	Entire want of depravity or criminality in the prisoner, his good character and un- form peaceable behavior and trustworthi- ness during his incarceration.	B. C. Whiting, Deputy District At- torney, Sacramento Co.; S. Mar- shall, Sheriff, Sacramento County; Rob't Robinson, Co. Judge, Sac- ramento Co.; C. Cole, District At- torney, Sacramento County; D. C. Gay, and others.
	<p>Decision.—Whereas, the County Judge and District Attor- ney represent that they now entertain serious doubts of his guilt, and have since his conviction arrived at this conclusion, but too late to grant a new trial, and now recommend his pardon; and, whereas, the county officers and city police of Sacramento recommend his pardon; and, whereas, the officers of the prison testify to his uniform good conduct since his incarceration; now, therefore, in view of the above facts, and by virtue of the power vested in me by the Consti- tution and laws of the State, a full pardon is hereby granted to said Franklin Smith. June 1st, 1860.</p>					



Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 14, 1860.	Frank Halley.....	Bigamy.....	Placer.....	6 months in Co. Jail, \$500 fine.	That the said Halley has served out six months of the imprisonment and conducted himself in such a manner as to secure the unbounded confidence of the officers, and that he and his friends are willing to pay \$250 of the fine of \$500 imposed, being unable to pay the full amount.	L. L. Bullock, Sheriff, Placer County; E. Bernard, Treasurer, Placer Co.; Jo. Hamilton, District Attorney, Placer County; Phil. W. Thomas, State Senator, Placer Co. Jos. Walkup, and others.
<p>DECISION.—Whereas, the said Halley has served the full term of his imprisonment, and has conducted himself in such a manner that a large number of the most respectable citizens of Placer County, including the Sheriff, County Clerk, Treasurer, District Attorney, State Senator, etc. have asked that one-half of the fine imposed may be remitted, by reason of the inability of the said Halley to pay more. Therefore, upon the payment of two hundred and fifty dollars let the balance of the fine be remitted. Dec. 14th, 1860.</p>						

Total Pardons from County Jails..... 5.

# PARDONS FROM COUNTY JAILS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 30, 1860.	Margaret Mannix.	Petit Larceny....	San Fran'co.	6 months in Co. Jail.	The father has remitted funds from New York to California, to pay her passage home, and hopes are entertained that, under his charge, a thorough reformation will be brought about.	M. C. Blake, County Judge, San Francisco County, H. S. Brown, District Attorney.
	<p>DECISION.—Representations having been made to this department, that in consequence of the youth, and general good deportment of the said Margaret Mannix, reasonable hopes are entertained of her reformation. The Judge before whom she was tried and sentenced, and the District Attorney who prosecuted the case, earnestly recommend her pardon. Let a pardon issue. June 1st, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
May 28, 1860.	Franklin Smith....	Burglarious im- plem'ts in pos- session.....	Sacramento.	1 year Co. Jail.....	Entire want of depravity or criminality in the prisoner, his good character and uniform peaceable behavior and trustworthiness during his incarceration.	B. C. Whiting, Deputy District Attorney, Sacramento Co.; S. Marshall, Sheriff, Sacramento County; Rob't Robinson, Co. Judge, Sacramento Co.; C. Cole, District Attorney, Sacramento County; D. C. Gay, and others.
	<p>DECISION.—Whereas, the County Judge and District Attorney represent that they now entertain serious doubts of his guilt, and have since his conviction arrived at this conclusion, but too late to grant a new trial, and now recommend his pardon; and, whereas, the county officers and city police of Sacramento recommend his pardon; and, whereas, the officers of the prison testify to his uniform good conduct since his incarceration; now, therefore, in view of the above facts, and by virtue of the power vested in me by the Constitution and laws of the State, a full pardon is hereby granted to said Franklin Smith. June 1st, 1860.</p>					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Pardon is based.	Names of Petitioners known to Gov.
Dec. 14, 1890.	Frank Halley.....	Bigamy.....	Placer.....	6 months in Co. Jail, \$500 fine.	That the said Halley has served out six months of the imprisonment and conducted himself in such a manner as to secure the unbounded confidence of the officers, and that he and his friends are willing to pay \$250 of the fine of \$500 imposed, being unable to pay the full amount.	L. L. Bullock, Sheriff, Placer County; E. Barnard, Treasurer, Placer Co.; Jo. Hamilton, District Attorney, Placer County; Phil. W. Thomas, State Senator, Placer Co. Jos. Walkup, and others.
	<p>DEMONSTR.—Whereas, the said Halley has served the full term of his imprisonment, and has conducted himself in such a manner that a large number of the most respectable citizens of Placer County, including the Sheriff, County Clerk, Treasurer, District Attorney, State Senator, etc. have asked that one-half of the fine imposed may be remitted, by reason of the inability of the said Halley to pay more. Therefore, upon the payment of two hundred and fifty dollars let the balance of the fine be remitted. Dec. 14th, 1890.</p>					

Total Pardons from County Jails..... 5.

# RESTORATIONS TO CITIZENSHIP

*Granted by Governor John G. Downey, for the Year 1880.*

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 24, 1880..	George Butler.	Assault with a deadly weapon.	Yuba.	1 year.	Good conduct during his term of imprisonment.	John F. McCauley, John Sims, G. W. Kritzer, J. G. Sheppard.
	Decision.—Being satisfied by the certificate of the officers of the State Prison that his conduct was good during his time of imprisonment, let him be restored to citizenship. January 26th, 1880.					
Date.	Name.	Crime.	County.	Sentence.		
Jan. 5, 1880...	John G. Van Aarsdalen.	Grand Larceny.	Sacramento.	8 years.	That his conduct has been very good during his term of imprisonment, giving his friends good hope of a thorough reformation.	J. P. Haron, Will. Hicks Graham, George K. Guyss.
	Decision.—At the expiration of the petitioner's term, let him be restored to citizenship. February 24, 1880.					



# RESTORATIONS TO CITIZENSHIP—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 22, 1890.	Charles H. Dade..	Grand Larceny..	San Fran'co.	3 years.....	Exemplary conduct and hopes of a thorough reformation.	Judge J. G. Baldwin, and officers of State Prison.
	Decision.—Let the petitioner be restored to citizenship. April 27, 1890.					
Date.	Name.	Crime.	County.	Sentence.		
May 5, 1890...	William Bluxton..	Arson.....	Yuba .....	1 year.....	That the offense was committed while on a drunken frolic, and good conduct during imprisonment.	Chas. Lindley, Judge District Court; John F. McCanley, Leases, and other officers of State Prison.
	Decision.—From the certificate of the officers of the State Prison, it appears that his conduct has been exemplary during his imprisonment. Let him be restored to citizenship. May 22d, 1890.					
Date.	Name.	Crime.	County.	Sentence.		
May 27, 1890..	John McGrath....	Grand Larceny..	San Fran'co.	1 year.....	That the prisoner was intoxicated when he committed the offense, previous good character and good conduct during imprisonment.	Geo. B. Tingley.
	Decision.—The officers of the State Prison all unite in a certificate testifying to his good conduct during imprisonment. Let him be restored to citizenship. May 28th, 1890.					
Date.	Name.	Crime.	County.	Sentence.		
July 16, 1890..	John Sweeney.....	Grand Larceny..	Butte.....	3 years.....	That he can and will by his evidence convict some ten of the most abandoned and desperate characters.	Wells, Fargo & Co. by J. H. Leatham.
	Decision.—The interest of the public eminently demand this restoration. Let him be restored to citizenship. July 16th, 1890.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 18, 1860.	J. P. Cryder .....	Forgery.....	Sacramento.	5 years.....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Slims, Superintendent of State Prison.
	<p>DECISION.—His conduct has been exemplary during his term of imprisonment, and having served out the full term for which he was sentenced, let him be restored to citizenship. August 1, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Aug. 19, 1860.	William Murphy..	Grand Larceny..	Santa Clara.	5 years ....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Slims, Superintendent of State Prison.
	<p>DECISION.—The said Murphy has, by his good deportment, given reasonable hopes of complete reformation, and believing that the public interest will be best subserved by exercising Executive clemency, let him be pardoned, to take effect upon the expiration of his full term of sentence. August 25th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Aug. 15, 1860.	John Hurley.....	Manslaughter...	Sierra.....	3 years.....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Slims, Superintendent of State Prison.
	<p>DECISION.—Said Hurley, having been discharged after serving out the full term of the sentence, and during said imprisonment behaved in a praiseworthy manner, giving good indications of reform, and believing that investing him with the rights of citizenship will best consult the public good, let him be restored to citizenship. August 25th, 1860.</p>					

# RESTORATIONS TO CITIZENSHIP—Continued.

Date.	Names.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 29, 1860..	Ira N. Berry .....	Felony.....	Slaklyon...	2 years.....	Good conduct during his imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
	<p>Decision.—Said Berry, having served his full term of imprisonment, and faithfully discharged all duties, giving hopes of reformation, and in the belief that his restoration to the rights of citizenship will best subserve the public interest, and the exercise of Executive clemency to be just and proper; therefore, let him be restored to citizenship. August 30th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Aug. 21, 1860..	Geo. Vanderpool.	Grand Larceny..	Slaklyon.....	3 years.....	Good conduct during his imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
	<p>Decision.—Said Vanderpool, having complied with the full term of his sentence, and during said imprisonment faithfully discharged all duties and behaved in a praiseworthy manner, and believing that his restoration to citizenship will best conduce to the public interest, as well as an inducement to correct conduct on the part of Vanderpool, let him be restored to citizenship. August 30th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 13, 1860..	John Simms.....	Forgery.....	Sacramento	2 years.....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
	<p>Decision.—Said Simms, having served his term of imprisonment in a very exemplary manner, so as to receive from the officers of the prison a certificate of his good conduct, let him be restored to citizenship. September 18th, 1860.</p>					





# RESTORATIONS TO CITIZENSHIP—Continued.

Date.	Name.	Crime.	County.	Sentence.
Oct. 17, 1860..	Geo. T. Wardwell.	Forgery .....	San Fran'co.	2 years.....
	<p>Decision.—Said Wardwell has behaved himself in an exemplary manner during his full imprisonment, and the officers of the prison having strongly recommended his pardon, and hopes of his thorough reformation lead me to the belief that his restoration to citizenship will not only be conducive to the public interest, but will also be an incentive for said Wardwell to reinstate himself in the good opinion of his fellow men. Let him be pardoned to take effect upon the expiration of his full term of sentence. October 19th, 1860.</p>			
Date.	Name.	Crime.	County.	Sentence.
Aug. 10, 1860 .	Thomas Byrnes...	Grand Larceny.	Contra Costa	1 year.....
	<p>Decision.—His youth and exemplary conduct during the imprisonment, and the reasonable hope of complete reformation, it being his first offense, coupled with the respectability of his family connections, induce the exercise of Executive clemency. Let him be restored to citizenship. November 15th, 1860.</p>			
Date.	Name.	Crime.	County.	Sentence.
Aug. 10, 1860 .	John Williams....	Grand Larceny.	Contra Costa	1 year.....
	<p>Decision.—During the term of his imprisonment he has conducted himself in an exemplary manner, and the reasonable hope of a complete reformation, coupled with the fact of this being his first offense, and his being quite a young man, induces the exercise of Executive clemency. Let him be restored to citizenship. November 16th, 1860.</p>			

Grounds on which Petition is based.	Names of Petitioners known to Gov.
Having faithfully discharged the duties imposed upon him during the full term of his imprisonment and having received a certificate from the officers of the prison to that effect.	J. F. McCauley, Lessee; J. Simms, Superintendent; G. N. Cardwell, Clerk of State Prison.
Good conduct during his term of imprisonment and hopes of reformation.	Thomas A. Brown, County Judge; E. F. Weld, Associate Judge; Jas. E. Hunsacker, Sheriff; W. W. Thobalds, District Attorney, Contra Costa County.
Good conduct during his term of imprisonment, and hopes of a reformation.	J. F. McCauley, Lessee; J. Simms, Superintendent; G. N. Cardwell, Clerk of State Prison.

(Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 30, 1860.	Lewis H. Lee....	Manslaughter...	Calaveras....	3 months....	Good conduct during his full term of imprisonment.	I. N. Quinn, Lieutenant-Governor and Resident Director at State Prison; P. N. Gallagher, State Senator, Calaveras County; M. Paul, Sheriff, Amador County, and officers of State Prison.
<p>Decision.—The said Lee has conducted himself in a proper and praiseworthy manner during his imprisonment, and it is represented to me that he has always borne a good character as a quiet and peaceable citizen, and is highly indorsed as such by the Sheriff of Calaveras County, the State Senator of that district, and others well known to me. Let him be restored to citizenship. November 30th, 1860.</p>						
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 13, 1860..	George Wester....	Perjury.....	Los Angeles	1 year.....	Good conduct during his term of imprisonment.	All the officers of the State Prison.
<p>Decision.—Said Wester, having conducted himself in an exemplary manner during the term of his imprisonment, as certified to me by all of the officers of the State Prison, let him be restored to citizenship to take effect upon the expiration of his full term of sentence. December 13th, 1860.</p>						

Total Restorations to Citizenship..... 24.

# COMMUTATIONS OF SENTENCE

*Granted by Governor John G. Downey, for the Year 1860.*

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 10, 1860.	Robert Beatty.....	Gaming .....	San Fran'co.	1 Year and \$500 fine.	No proof that said Beatty had ever been guilty of but one act of gaming, to wit: the one of which he was convicted; that his regular and legitimate business is hotel keeping—the "Red House," or Beatty's Hotel—on the San José road; that he is not a professional gambler, but a butcher by trade, and quite advanced in years.	W. M. Lent, S. Heydenfeldt, Loud, Hoemer & Co.; Trust, Jones & Arrington; G. B. Gammons, W. T. Coleman & Co.; Aus. E. Smith, and others.
	<p>Decision.—A late enactment of the Legislature having abolished the penalty of imprisonment for the above crime, let the sentence be commuted from imprisonment in the State Prison for the term of one year and \$500 fine, to a fine of \$1,000. April 23d, 1860.</p>					

Commutation of Sentence..... 1.



# NAMES OF INSANE CONVICTS SENT FROM STATE PRISON TO STATE INSANE ASYLUM

*By Governor John G. Downey, for the Year 1860.*

Date of Order.	Name.	Crime.	County.	Sentence.
Sept. 19, 1860.	Ariel Fuentes ....	Murder .....	Merced ....	Life .....
Dec. 22, 1860 .	José Apanacla....	Assault to murder .....	Santa Cruz	4 years....

Total Number of Convicts sent to Insane Asylum..... 2.

On motion of Mr. Dickinson, the reading of the message was dispensed with, and the Secretary directed to transmit the same, together with accompanying documents, to the Assembly.

#### INTRODUCTION OF BILLS.

Mr. Shafter, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill without notice, for An Act to Confirm and Legalize Sales of certain Property of the State of California. Read first and second times, and referred to the San Francisco Delegation.

On motion of Mr. Clark, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Saturday, January 19th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### COMMUNICATION FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

The following communication was received from the Superintendent of Public Instruction :

DEPARTMENT OF INSTRUCTION, }  
January 19th, 1861. }

Hon. PABLO DE LA GUERRA,

President of the Senate :

DEAR SIR :—I have the honor to transmit herewith, the Tenth Annual Report, with accompanying documents, of the Superintendent of Public Instruction.

I am, very respectfully, yours,

ANDREW J. MOULDER,  
Superintendent Public Instruction.

On motion of Mr. Dickinson, the Report, and accompanying documents, were referred to the Committee on Education.

#### COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the Secretary of State :

STATE DEPARTMENT, }  
Sacramento, January 7th, 1861. }

Hon. PABLO DE LA GUERRA,

President of the Senate :

DEAR SIR :—I have the honor to transmit herewith a statement of the

manner in which the Contingent Fund of the Secretary of State, the Contingent Fund of the State Library, and the Stationery, Lights, and Fuel Fund, have been expended during the year ending December thirty-first, eighteen hundred and sixty. Also, on account of the stationery, lights, fuel, etc. delivered by the Secretary of State to the State officers and the Supreme Court, for the year eighteen hundred and sixty.

Very respectfully,

JOHNSON PRICE,  
Secretary of State.

On motion of Mr. Parks, the report was referred to Committee on Public Expenditures.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your committee on Enrolled Bills have examined and find correctly enrolled, Senate Bill, No. 4, entitled An Act to extend the time for Collecting Taxes in the counties of Napa, Sutter, Tulare, and Contra Costa, and delivered the same to the Governor for his approval at two o'clock, P. M. on the eighteenth day of January, eighteen hundred and sixty-one.

A. ST. C. DENVER,  
Chairman of Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly, on yesterday, passed Senate Bill, No. 4, An Act to extend the time for collecting Taxes in the counties of Napa, Sutter, Tulare, and Contra Costa.

J. W. SCOBEE,  
Assistant Clerk of Assembly.

#### INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill, without notice, An Act to authorize the Masonic Hall Association, of the City of San Francisco, to sell, mortgage, and convey, certain real estate.

Read first and second times.

Mr. Merritt moved to suspend the rules further and place the bill upon its passage.

Mr. Clarke moved to refer to the Judiciary Committee.

Lost.

Mr. Phelps moved to strike out the preamble to the bill.

Carried.

Mr. Shafter moved to lay the bill on the table.

Lost.

On motion of Mr. Merritt, the rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Merritt, by leave, introduced a bill without notice, An Act authorizing the Treasurer of the county of Fresno to transfer certain funds.

Read first and second times.

Mr. Dickinson moved to refer to the Finance Committee.

Lost.

Mr. Merritt moved to suspend the rules further, and consider the bill now.

Carried.



So the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Sharp in the Chair.

Mr. Clark, by leave, introduced a bill without notice, An Act concerning the pay of officers and employes of the Senate.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Edgerton, by leave, introduced a bill without notice, An Act to amend an Act entitled An Act to Provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Finance Committee.

Mr. Parks introduced a bill, pursuant to notice, for An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands, and the usual number of copies ordered printed.

#### NOTICES OF BILLS.

Mr. Leet gave notice that he would at an early day introduce a bill for an Act, entitled An Act to provide for the Better Observance of the Sabbath, and to Secure a day of Rest from Secular Pursuits.

Mr. Leet also gave notice, that he would at an early day introduce a bill for An Act in relation to State Printing.

Mr. Clark offered the following resolution :

*Resolved*, That G. Holland and D. McLaughlin, be allowed one week's salary, as allowed by law, for acting porters, to be paid out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

Mr. Edgerton offered the following resolution :

*Resolved*, That the preamble and resolutions passed by the Senate on the twenty-first day of January, A. D. eighteen hundred and fifty-nine, in the following words :

"**WHEREAS**, The ninth session of the Legislature of the State of California, passed resolutions instructing our Senators in Congress to support the policy of the National Administration in regard to the admission of Kansas under the Lecompton Constitution ; and *whereas*, the Hon. David C. Broderick, United States Senator from this State, not only disregarded said instructions, but indirectly charged that the members of said ninth session of the Legislature had misrepresented the wishes of their constituents ; and *whereas*, the people of this State, at the last election, triumphantly sustained the action of the members of said ninth session of the Legislature ; therefore, for the purpose of giving to the said Honorable David C. Broderick a full understanding of the position he occupies to his constituency, be it—

*Resolved*, By the Senate, the Assembly concurring, that the Legislature of a State constitutes the immediate constituency of a United States Senator.

*Resolved*, That a constituency has at all times the right, and it is their duty, when deemed necessary, to instruct their Representatives upon all matters of public policy pertaining to the duties of such Representative ; when so instructed, there is left no other honorable alternative, save obedience or resignation.

*Resolved*, That Senator Broderick has neither yielded obedience to the instructions of the ninth session of the Legislature of this State, nor has he as yet resigned the seat he holds contrary to the wishes of his constituency.

*Resolved*, That the language used in the speech of said Senator on the twenty-second day of March, A. D. one thousand eight hundred and fifty-eight, in the United States Senate, towards the Chief Executive of this confederacy, was not only undignified and disrespectful, but alike insulting to the nation, and humiliating to the people of this State.

*Resolved*, That His Excellency the Governor of this State be requested to forward a copy of the above resolutions to the Honorable David C. Broderick"—be, and the same are hereby, expunged from the Journals of this Senate—because, the said preamble and resolutions are declaratory of principles unsound and untenable, are false in fact, illegal, unjust, and tend to degrade the dignity, character, and independence, of a United States Senator.

Mr. Edgerton moved that the usual number of copies be ordered printed, and that they be made the special order of the day for two weeks from to-day, at twelve M.

Mr. Ryan moved to refer to the Committee on Federal Relations.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Ryan, and Edgerton, when, after much discussion—

On motion of Mr. Phelps, the resolutions were referred to Committee of the Whole, and made the special order for two weeks from to-day at twelve o'clock, M. and usual number of copies ordered printed.

Mr. Phelps moved to reconsider the vote by which Senate Bill, No. 7, An Act to authorize the Masonic Hall Association of the city of San Francisco to sell, mortgage, and convey, certain real estate, was passed.

Agreed to.

Mr. Phelps then moved to reconsider the vote by which the bill was considered engrossed and read a third time.

Carried.

On motion of Mr. Phelps, the vote by which the preamble was stricken out, was reconsidered.

Whereupon, the rules were again suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Ryan, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

On motion of Mr. Merritt, the Secretary was directed to request the Assembly to return to the Senate the Governor's Message and accompanying documents.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 19th. 1861. }

Mr. PRESIDENT:—The Assembly on yesterday adopted Concurrent Resolution relative to printing Governor's Message and accompanying documents, and appointed Messrs. Conness, Wood of Plumas, and Amyx, House Committee, and ask the concurrence and the appointment of a similar committee on the part of the Senate.

The House has also directed Messrs. Flanders, Conness, Laspeyre, Lippincott, and Curtis, to act in conjunction with the Senate Committee on Joint Rules.

J. W. SCOBAY,  
Assistant Clerk.

On motion of Mr. Dickinson, the resolution was concurred in by the Senate.

Whereupon, the Chair appointed Messrs. Dickinson, Clark, and Merritt, committee on part of the Senate.

On motion of Mr. Parks, leave of absence was granted to Mr. Thornton for two days.

Mr. Heacock gave notice that on Tuesday next he would introduce a bill to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six.

On motion of Mr. Crittenden, leave of absence was granted to the Assistant Sergeant-at-Arms, for one day.

Mr. Edgerton moved that when the Senate adjourn it adjourn to meet on Tuesday next at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Williamson, and Phelps, and taken with the following result :

**AYES**—Messrs. Burbank, Clark, Crittenden, Edgerton, Franklin, Haynes, Heacock, Hill, Leet, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, and Watson—16.

**NOES**—Messrs. Chase, Dickinson, Eagon, Harvey, Irwin, Merritt, Parks, Pico, Warmcastle, Watkins, Watt, Williamson, and Vance—13.

So the motion prevailed.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, January 22d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Phelps and Pico.

Quorum present.

Journal of yesterday read and approved.

### COMMUNICATION.

The following communication was received from the Attorney-General :

On motion of Mr. Dickinson, was referred to the Committee on Public Expenditures.

ATTORNEY-GENERAL'S OFFICE,

Sacramento, January, 21st, 1861. }

To the Legislature of the State of California :

As prescribed by law, I herewith transmit an account of the contingent expenses of this office for the past year.

Respectfully, etc.

THOS. H. WILLIAMS,

Attorney-General.

## PETITIONS.

Mr. Heacock presented the petition of Wm. Greenhood, praying an allowance of two hundred and forty-one dollars for work done by T. R. Eldridge, in translating certain laws and resolutions, passed at the tenth session of the Legislature.

Read and referred to the Committee on Claims.

Mr. DeLong presented the petition of sundry citizens of Yuba County, praying that certain resolutions heretofore passed by the Legislature of this State censuring the Hon. D. C. Broderick, might be expunged from the journals.

On motion of Mr. DeLong, was referred to the Committee of the Whole, and made the special order for Saturday, February second, eighteen hundred and sixty-one, together with resolutions heretofore introduced upon that subject.

## REPORTS.

Mr. Merritt, Chairman on Engrossed Bills, made the following report:

SENATE CHAMBER,  
January 22d, 1861. }

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 8, An Act authorizing the Treasurer to transfer certain funds;

Also, Senate Bill, No. 9, An Act concerning the pay of officers and employés of the Senate, and find the same correctly engrossed.

MERRITT,  
Chairman.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 19th, 1861. }

*To the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 4, An Act to extend the time of collecting Taxes in the counties of Napa, Sutter, Tulare, and Contra Costa.

JOHN G. DOWNEY,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 22d, 1861. }

Mr. PRESIDENT:—The Assembly on the eighteenth instant, passed Assembly Bill, No. 1, An Act to confirm and legalize the Tax List and Assessment Roll of the county of Solano, for the fiscal year ending June thirtieth, eighteen hundred and sixty-one, and to extend the time for the Sheriff of Solano county to collect taxes due thereon;

Also, Assembly Bill, No. 2, An Act to extend the time for collecting Taxes in the county of San Luis Obispo;

Also, on the nineteenth instant, passed Assembly Bill, No. 4, An Act extending the time for the collection of delinquent Taxes in the county of Butte.

Also, Senate Bill, No. 7, An Act to authorize the Masonic Hall Association, of the City of San Francisco, to sell, mortgage, and convey, certain real estate.

Also, concurred in Senate Concurrent Resolution, No. 1, relative to appointing Michael Martin a Fireman, with an amendment thereto, in which the concurrence of the Senate is requested;

Also, concurred in Senate Concurrent Resolution, No. 2, relative to attending to the necessary work at the rear of the Capitol.

Also, adopted Assembly Concurrent Resolution, No. 3, granting leave of absence to William A. January, County Clerk of El Dorado county, and ask the concurrence of the Senate.

J. W. SCOBAY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 1, An Act to Confirm and Legalize the Tax List and Assessment Roll of the county of Solano, for the fiscal year ending June thirtieth, eighteen hundred and sixty-one, and to extend the time for the Sheriff of Solano County, to collect the delinquent Taxes due thereon—was taken up, read first and second times, and referred to the Senator from Solano.

Assembly Bill, No. 2, An Act to extend the time for collecting Taxes in the county of San Luis Obispo—was read first and second times, and—

On motion of Mr. Merritt, the rules were suspended, bill read a third time and passed.

Assembly Bill, No. 4, An Act extending the time for the collection of delinquent Taxes in the county of Butte—was read first and second times, and referred to the Judiciary Committee.

Senate Concurrent Resolution, No. 1, relative to appointing Michael Martin as Fireman—was read, and Assembly amendment concurred in.

Assembly Concurrent Resolution, granting leave of absence to William A. January—was next taken up and read, and—

On motion of Mr. Harvey, concurred in.

#### INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill without notice, for An Act to appropriate money for Postage and Express Purposes for the present session of the Legislature.

Read first and second times, rules suspended, and placed upon its third reading.

Mr. DeLong moved to strike out the word "fifteen," in the sixth line in section second, and insert the words "twenty-five."

Mr. Merritt moved to refer to Committee on Contingent Expenses, with instructions to report a general law upon the subject.

Agreed to.

Mr. Hill, by leave, introduced a bill without notice, for An Act creating the Eighteenth Judicial District of this State, and providing for the holding of Courts therein.

Read first and second times and referred to the Judiciary Committee.

Mr. Sharp, by leave, introduced a bill without notice, for An Act concerning Prescription.

Read first and second times and referred to the Judiciary Committee.

Mr. Dickinson, by leave, introduced a bill without notice, for An Act to Audit and Allow the Claim of J. J. Lecount.

Read first and second times, and referred to Committee on Claims.

Mr. Vance, by leave, introduced a bill without notice, for An Act to amend the fifty-eighth section of An Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Finance.

Mr. DeLong, by leave, introduced a bill without notice, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, and an act entitled An Act to amend an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed April thirtieth, eighteen hundred and fifty-five, and an act entitled An Act supplementary to an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March twenty-seventh, eighteen hundred and fifty-seven, and an act entitled An Act amendatory and supplementary to an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, and an act entitled An Act to amend an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed April thirtieth, eighteen hundred and fifty-five, passed April tenth, eighteen hundred and fifty-eight, and an act entitled An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March seventh, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Corporations.

Mr. Irwin, by leave, introduced a bill for An Act to provide a Commission, to co-operate with one appointed on behalf of the United States, to Ascertain and Mark a Portion of the Eastern Boundary Line of this State.

Read first and second times.

On motion of Mr. Irwin, referred to a Special Committee of three, with instructions to report on Thursday next.

The Chair appointed as such committee, Messrs. Irwin, Shafter, and Thomas.

President *pro tem.* in the Chair.

Mr. Shafter, by leave, introduced a bill without notice, for An Act supplementary to An Act, approved April twenty-sixth, eighteen hundred and fifty-eight, entitled An Act to amend Section one of an Act entitled An Act to provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other Matters, approved April twenty-ninth, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Edgerton, Messrs. Hill and Warmcastle were added to the Judiciary Committee, for the special purpose, and none other, of considering Senate Bill, No. 16, An Act Creating the Eighteenth Judicial District of this State, and providing for the Holding of Courts therein.

Mr. Burbank offered resolutions Relative to the State of the Union.

Referred to the Committee on Federal Relations, and the usual number of copies ordered printed.

#### NOTICES OF BILLS.

Mr. Edgerton gave notice that at an early day he would introduce a bill concerning the Salary of the District Attorney of Napa County;

Also, a bill to Regulate the Salary of the County Judge of Napa County

Mr. Sharp gave notice that at an early day he would introduce a bill for An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers;

Also, a bill for An Act relative to Attachments, to be entitled An Act to amend An Act to Regulate Proceedings in Civil Cases;

Also, a bill for An Act to amend An Act Defining the Rights of Husband and Wife;

Also, A bill for An Act to Revise and Amend An Act commonly known as the Consolidation Act of the City and County of San Francisco, and all of the acts amendatory thereof and supplemental thereto.

Mr. Williamson gave notice that he would, at an early day, introduce a bill for an act entitled An Act to Provide Revenue for the Support of the County of Tuolumne, and to Regulate Fees and Salaries of certain Officers therein.

Mr. Heacock gave notice that he would, at an early day, introduce a bill to Provide for the Registering of Electors in the several Counties of the State of California.

Mr. Crittenden gave notice that he would, at an early day, introduce a bill for An Act to Provide for the Disposal of the Sixteenth and Thirty-Sixth Sections of Land Donated to this State for School Purposes, by Act of Congress passed March third, eighteen hundred and fifty-three, and to appropriate the Proceeds of the Sales thereof to the Credit of the General School Fund.

Mr. Watson offered resolutions Relative to the state of the Union.

Referred to the Committee on Federal Relations, and the usual number of copies ordered printed.

Mr. Sharp moved that the usual number of copies of Senate Bill, No. 6, An Act to Confirm and Legalize Sales of Certain Property of the State of California, be ordered printed.

Carried.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: D. J. WILLIAMSON, Ass't Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Wednesday, January 23d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Chase and Watkins.

Quorum present.

Journal of yesterday read and approved.

### COMMUNICATION FROM THE SURVEYOR-GENERAL.

The following communication was received from the Surveyor-General :

SURVEYOR-GENERAL'S OFFICE,  
Sacramento, January 21, 1861. }

Hon. PABLO DE LA GUERRA,

President of the Senate:

SIR:—I have the honor to submit, herewith, a statement of the expenditure of the contingent funds of the Surveyor-General's and State Land Office for the year eighteen hundred and sixty.

Respectfully,

Your obedient servant,

H. A. HIGLEY,  
Surveyor-General and Register.

On motion of Mr. Phelps, the communication was referred to the Committee on Contingent Expenses.

#### CÓMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 23d, 1861. }

Hon. PABLO DE LA GUERRA,

President of the Senate:

SIR:—I herewith transmit a statement of the contingent expenses of the Governor's Office from January fourteenth to December thirty-first, eighteen hundred and sixty.

Very respectfully, etc.

JOHN G. DOWNEY.

On motion of Mr. Sharp, the communication was referred to the Committee on Contingent Expenses.

Mr. Sharp presented the petition of Joseph Galloway, praying for the right to build a wharf at the foot of Howard street, in the city of San Francisco.

Referred to Committee on Commerce and Navigation.

#### REPORTS.

Mr. De Long, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate Bill, No. 20, entitled An Act to amend An Act for the Formation of Corporations in this State, having had the same under consideration, report the same back, with an amendment, and recommend its passage.

C. E. DELONG,  
Chairman of Committee on Corporations.

Report read, and together with the bill, placed on file.

Mr. Sharp, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate Bill, No. 2, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-seven, and other acts amendatory thereto, approved April twenty-eighth, eighteen hundred and sixty, and also Senate Bill, No. 5, An Act to amend An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and sixty,



have had the same under consideration, and now report the same back, with the accompanying substitute, and recommend the passage of the substitute.

SOL. A. SHARP,  
Chairman.

On motion of Mr. Sharp, the rules were suspended, report considered, and substitute adopted.

Mr. Sharp moved to suspend the rules further, consider the bill engrossed, and place it upon its passage.

Carried.

On motion of Mr. Phelps, the bill was referred to the Judiciary Committee, with instructions to report a general law upon the subject.

Mr. Haynes, Chairman of the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT :—The Committee on Contingent Expenses, to whom was referred Senate Bill, No. 14, entitled An Act to appropriate Money for Postage and Express Purposes, for the present Session of the Legislature, have had the same under consideration, and herewith report it back, and recommend its passage, without amendments.

Your committee would report further, that they do not deem it advisable to pass a general law in reference to the matters embraced in said bill, but that each session of the Legislature regulate it as they may deem proper.

J. P. HAYNES,  
Chairman.

Report received, and together with the bill, placed on file.

Mr. Phelps, Chairman of the committee to whom was referred Senate Bill, No. 6, made the following report :

Mr. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 6, An Act to Confirm and Legalize Sales of certain Property of the State of California, have had the same under consideration, and beg leave to report the same back to the Senate, and recommend that the bill be indefinitely postponed.

PHELPS,  
For the Delegation.

Placed on file.

Mr. Sharp moved to reconsider the vote by which Senate Bill, No. 6, was on yesterday ordered printed.

Carried.

On motion of Mr. Phelps, the rules were suspended, and Senate Bill, No. 6, taken up.

Report adopted, and the bill indefinitely postponed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

SENATE CHAMBER,  
January 23d, 1861. }

Mr. PRESIDENT :—The Assembly on yesterday, passed Senate Bill, No. 8, An Act authorizing the Treasurer of Fresno County to Transfer certain Funds.

J. W. SCOBAY,  
Assistant Clerk.

## INTRODUCTION OF BILLS.

Mr. Phelps, by leave, introduced a bill without notice, for An Act to Audit and Allow the Claim of William Duer, or his Assigns.

Read first and second times, and referred to the Committee on Claims.

Mr. Shafter introduced a bill, by leave, without notice, for An Act to amend an Act entitled An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

Mr. Williamson introduced a bill pursuant to notice, An Act to provide Revenue for the Support of Tuolumne County, and to Regulate Fees and Salaries of certain Officers therein.

Read first and second times, and referred to the Tuolumne Delegation.

Mr. Edgerton, by leave, introduced a bill without notice, An Act to amend an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-eight, eighteen hundred and fifty-eight, and also, to amend An Act, approved April eighteen, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Leet moved that the usual number of copies be ordered printed.

Lost.

## RESOLUTIONS.

Mr. Parks offered the following resolution:

*Resolved*, That the President of the Senate be authorized to appoint a Porter to take charge and attend on the entire Committee Rooms of the Senate, whose compensation shall not exceed three dollars per day, payable out of the Contingent Fund of the Senate.

Mr. Sharp offered the following as a substitute:

*Resolved*, That the Sergeant-at-Arms be allowed to employ a Porter, whose duty it shall be to attend on all the Committee Rooms, clean them up, and attend the committees during their sittings for the purpose of procuring persons and papers, at the per diem allowed Porters by law, payable out of the Contingent Fund of the Senate.

Mr. Phelps moved to amend the substitute so that it would read—

*Resolved*, That the Assistant Sergeant-at-Arms be required to attend on all the Committee Rooms, clean them up, and attend the committees during their sittings for the purpose of procuring persons and papers.

Mr. Merritt offered the following as a substitute for the whole subject matter:

*Resolved*, That the Sergeant-at-Arms of the Senate be empowered to employ a person to attend to the Committee Rooms of the Senate, at a compensation not to exceed fifty dollars per month, to be paid out of the Contingent Fund of the Senate.

Mr. Phelps rose to a point of order: That a substitute to a substitute was not in order.

The Chair stated that the substitute was offered to the whole subject matter, and therefore the point of order was not well taken.

The question being first upon the adoption of the substitute offered by Mr. Merritt, was put and lost.

The question then being upon the amendment offered by Mr. Phelps, was put and lost.

The question recurring on the substitute offered by Mr. Sharp—

Mr. Clark moved to amend by striking out the words "per diem allowed by law," and inserting the words "three dollars per day."

Carried.

The question then being upon the adoption of the substitute as amended, was put and lost.

The question recurring on the adoption of the original resolution as offered by Mr. Parks—

Mr. Ryan moved to amend by striking out the words "five dollars," and inserting the words "four dollars."

Amendment accepted.

Mr. Shafter then moved to strike out the words "four dollars," and insert the words "three dollars."

Accepted.

Mr. Phelps then offered the following as a substitute:

*Resolved*, That the President of the Senate be requested to instruct the Porters of the Senate to keep all committee rooms in order, and attend upon the meetings of the committees when required by their Chairman.

Lost.

Mr. Egan moved to amend by striking out the words "three dollars," and inserting the words "four dollars."

Lost.

The question then recurring on the adoption of the original resolution as amended, was put and carried.

So the original resolution was adopted as amended.

Mr. Thomas offered the following resolution:

*Resolved*, That the Committee on Public Expenditures be, and they are hereby, authorized to employ, at such time as they may deem necessary, a Clerk, to be paid out of the Contingent Fund of the Senate.

Mr. DeLong moved to amend by inserting after the word "expenditures" the words "and corporations."

The question then being upon the adoption of the resolution—

The ayes and noes were demanded by Messrs. Merritt, Heacock, and Parks, and taken with the following result:

**Ayes**—Messrs. Clark, Crittenden, DeLong, Denver, Eagon, Edgerton, Franklin, Gallagher, Harvey, Hill, Irwin, Ryan, Sharp, Thomas, Watson, Watt, Williamson, and Vance—18.

**Noes**—Messrs. Burbank, Hayes, Heacock, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thornton, and Warmcastle—11.

So the resolution was adopted.

On motion of Mr. DeLong, the rules were suspended, and Senate Bill, No. 20, An Act to amend An Act for the Formation of Corporations in this State, taken up, and amendment reported by the committee to strike out the word "five," in the first section of the bill, and insert the word "thirty."

Adopted.

Mr. Ryan moved that the bill be ordered printed, and made the special order of the day for Tuesday next at twelve o'clock, M.

When, after much discussion, Mr. Irvin demanding a division of the question, the motion to make special order was put and carried.

The question then being on the motion to print was put and lost.

#### NOTICES OF BILLS.

Mr. Burbank gave notice that he would introduce a bill to amend an act entitled An Act for Securing Liens to Mechanics and others, passed April twenty-second, eighteen hundred and fifty-eight;

Also, a bill to amend an act entitled An Act for the Protection of Settlers and to Quiet Land Titles in this State, passed March twenty-sixth, eighteen hundred and fifty-six;

Also, a bill for the Regulation and Government of Public Schools in the City and County of San Francisco;

Also, a bill to Authorize the Board of Supervisors of the City and County of San Francisco to Furnish suitable Chambers for the Judge of the Twelfth Judicial District;

Also, a bill to amend an act entitled An Act to Regulate the Interest on Money, passed March fifteenth, eighteen hundred and fifty.

Mr. Eagon gave notice that he would at an early day introduce a bill to Separate the office of Tax Collector from the office of the Sheriff, in Amador County, and to Provide for the Election of Township Officers;

Also, a bill to Separate the office of Recorder from the office of County Clerk in said county.

Mr. Haynes offered a Concurrent Resolution, Relative to the Establishment of Mail Routes in the Counties of Humboldt, Trinity, and Del Norte. Adopted.

The President announced the appointment of F. M. Shell, as Porter for the committee rooms, pursuant to resolution this day passed.

On motion of Mr. Harvey, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,

Thursday, January 24th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Phelps presented petition of Auctioneers in San Francisco, and a bill relative thereto, entitled An Act in relation to Auctioneers.

Read first and second times, and, together with the petition, referred to the Committee on Claims.

#### REPORTS.

Mr. Watt made the following report:

Mr. PRESIDENT:—The Committee on Roads and Highways, to whom

was referred Senate Bill, No. 3, have had the same under consideration, report a substitute, and recommend the passage of the substitute.

WM. WATT,  
Chairman.

Report received, and together with bill, placed on file.

Mr. Edgerton presented the following report:

Mr. PRESIDENT:—The Committee on Federal Relations, to whom were referred the various resolutions heretofore introduced into the Senate, upon the State of the Union, have had the same under consideration, and report the same back to the Senate, and recommend the passage of the series introduced by Mr. Edgerton, marked "A," with amendments, which are herewith submitted.

JOHN H. HILL.  
HENRY EDGERTON.

I concur in the above recommendation, except so far as the same relates to resolution of said series number twelve, and as a substitute therefor, I recommend the passage of resolution marked "D."

JOHN H. WATSON,  
Chairman.

Report received, and, together with the resolutions, made the special order of the day for Thursday next, at twelve o'clock, M.

Mr. Irwin made the following report:

Mr. PRESIDENT:—The Special Committee, to whom was referred Senate Bill, No. 18, entitled An Act to provide a Commission to co-operate with one appointed on behalf of the United States, to ascertain and mark a portion of the Eastern Boundary Line of this State, beg leave to report that they have had the same under their careful examination, and recommend its passage with the following amendment and suggestion: That the words "twenty-five thousand dollars," wherever they occur in the bill, be amended so as to read "twenty thousand dollars." That the blank at the commencement of section first, be filled by vote of the Senate for Commissioner, the name of the candidate having the majority of the votes by ballot, be inserted.

All of which is respectfully submitted.

R. IRWIN,  
Chairman.

Report accepted, and, together with the bill, made the special order of the day for Thursday next, at twelve o'clock, M. and the usual number of copies of the bill ordered printed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 24th, 1861. }

Mr. PRESIDENT:—The Assembly on yesterday, passed Assembly Bill, No. 9, An Act to Transfer certain Funds;

Also, adopted Assembly Concurrent Resolution, No. 10, Granting Leave of Absence to Robert McGarvey, County Judge of Stanislaus County;

Also, Assembly Concurrent Resolution, No. 13, Instructing the Judiciary Committees of the two Houses to inquire concerning the Passage of the Constitutional Convention Question, and ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 9, An Act to Transfer certain Funds—was taken up and read first and second times.

Mr. Ryan moved to suspend the rules, and consider the bill now in Committee of the Whole.

Lost.

Mr. Harvey moved to refer to the Committee on Finance, with instructions to report to-morrow.

Carried.

Assembly Concurrent Resolution No. 10, Granting Leave of Absence to Robert McGarvey, County Judge of Stanislaus County—was read and concurred in.

Assembly Concurrent Resolution, No. 13, Instructing the Judiciary Committees of the two Houses to inquire concerning the Passage of the Constitutional Convention Question—was also read and concurred in.

## INTRODUCTION OF BILLS.

Mr. Shafter, by leave, introduced a bill without notice, for An Act Regulating the Sale of Poison.

Read first and second times, and referred to the Committee on Hospitals.

Mr. Logan, by leave, introduced a bill without notice, for An Act to Provide for the Segregation and Selection of Swamp and Overflowed Lands.

Read first and second times, ordered printed, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Sharp, by leave, introduced a bill without notice, for An Act to Change the Name of Clara Eliza Audin, and to regulate the distribution of certain Property.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Logan, by leave, introduced a bill for An Act Concerning Offices.

Read first and second times, and referred to the Judiciary Committee.

Mr. Heacock, pursuant to notice, introduced a bill for An Act to Provide for the Registering of Electors in the several Counties of the State of California.

Read first and second times, and referred to Committee on Elections.

On motion of Mr. Irwin, indefinite leave of absence was granted to Mr. Gallagher, on account of sickness.

Mr. Phelps offered resolutions Relative to the State of the Union.

Referred to the Committee on Federal Relations, and made special order of the day for Thursday next, together with resolutions heretofore introduced on the same subject.

## LEAVE OF ABSENCE.

On motion of Mr. Parks, leave of absence was granted to Mr. DeLong.

On motion of Mr. Edgerton, leave of absence was granted to Mr. Hill.

## RESOLUTION.

Mr. Merritt offered the following resolution :

*Resolved*, That so much of the Governor's Annual Message, as refers to Finance. Equitable. Indebtedness, Stamp Act, and Poll Tax, be referred to the Finance Committee; so much thereof as refers to State Prison, and Capitol, be referred to the Committee on Public Buildings and Grounds; so much thereof as refers to State Asylum, be referred to the Committee

on Hospitals; so much thereof as refers to Attorney-General's report, Constitutional Convention, Pardons, Abolition of Fees, and Supreme Court, be referred to the Judiciary Committee; so much thereof as refers to Militia, be referred to the Committee on Military Affairs; so much thereof as refers to Federal Relations, be referred to the Committee on Federal Relations; and so much thereof as refers to Apportionment of the State, be referred to the Committee on Counties and County Boundaries.

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
January 24th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate, that the Assembly has passed a Concurrent Resolution, Relative to Printing Governor's Message and accompanying Documents. The resolution is herewith presented.

J. M. ANDERSON,  
Clerk of Assembly.

The resolution was read, and on motion of Mr. Dickinson, concurred in. On motion of Mr. Merritt the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Friday, January 25th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Sharp, leave of absence was granted to Mr. Crittenden for two days, and to Mr. Burbank until Tuesday next.

REPORTS.

Mr. Clark made the following report:

Mr. PRESIDENT:—The Committee on Finance, to whom was referred Assembly Bill, No. 9, An Act to transfer certain Funds, have had the same under consideration, and I am instructed by the majority of said committee to report the bill back, and recommend its passage.

CLARK,  
Chairman.

Report received, and bill placed on file.

Mr. Watkins made the following report:

Mr. PRESIDENT:—The Committee on Claims have had under consideration Senate Bill, No. 25, An Act in relation to Auctioneers, and report it back, and recommend that it be referred to the Committee on Finance.

H. P. WATKINS,  
Chairman.

Report received, and bill referred to Committee on Finance.

Mr. Watkins also made the following report :

Mr. PRESIDENT :—The Committee on Claims have had under consideration Senate Bill, No. 21, Claim of Wm. Duer, or his Assigns, for Prosecuting Suits on behalf of the State of California, and report it back with an amendment, and recommend its passage as amended.

H. P. WATKINS,

Report received, and bill placed on file.

Chairman.

Mr. Clark made a verbal report from the Finance Committee, reporting back to the Senate the Annual Report of the Secretary of State, and recommend that it be referred to the Committee on Public Expenditures.

Recommendation agreed to, and report so referred.

Mr. Haynes made the following report :

Mr. PRESIDENT :—The Committee on Contingent Expenses, to whom was referred the Statement of the Contingent Expenses of the Governor's Office, and of the Surveyor-General's and State Land Office, herewith return the same, and recommend that they be referred to the Committee on Public Expenditures.

J. P. HAYNES,

Chairman.

Report received, and statement referred to the Committee on Public Expenditures.

Mr. Clark made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate Bill, No. 15, An Act to amend the fifty-eighth section of An Act to provide Revenue for the Support of the Government of this State, approved April thirty, eighteen hundred and sixty, have had the same under consideration, and report the same back with the following amendments, the adoption of which they recommend, and when so amended, they recommend the passage of the bill.

Proposed amendments :

In line eight of section one, strike out the words "for each," and in the same line, after the word "license," insert the word "fee."

In lines seventeen and eighteen, same section, strike out the words "carries with him," and in lieu thereof insert the words "shall vend."

Strike out the nineteenth line of the same section, and insert in lieu thereof the words "he or they."

In line twenty-six, same section, immediately preceding the word "productions," insert the word "agricultural."

In line thirty-four, of same section, strike out the word "any," and in lieu thereof insert the word "each."

In line thirty-nine, same section, strike out the words "he or they."

In second section, line third, strike out the word "is," and insert the word "are."

CLARK,

Chairman.

Report received and bill placed on file.

#### INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill without notice, for An Act for the Relief of Jonas Spect and E. Pewit.



Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Shafter, by leave, introduced a bill without notice, for An Act concerning Conveyances.

Read first and second times, and referred to the Judiciary Committee.

Mr. Shafter, by leave, also introduced a bill without notice, for An Act in amendment of An Act to Regulate Proceeding in Criminal Cases, approved May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp, by leave, introduced a bill without notice, for An Act to Establish Pilots and Pilot Regulations for the Port of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Clark, by leave, introduced a bill without notice, for An Act to Pay for Volumes Fourteen and Fifteen of the Reports of the Supreme Court of the State of California.

Read first and second times, and referred to the Committee on Finance.

Mr. Rhodes, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act Prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill without notice, for An Act to authorize Robert Haley to construct a Wharf at the foot of Union Street, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Edgerton introduced a bill pursuant to notice, for An Act to fix the compensation of the District Attorney of Napa County.

Read first and second times, and referred to the Judiciary Committee.

#### REPORTS.

Mr. Phelps made the following report :

Mr. PRESIDENT :—Your Committee on Rules of the Senate and Joint Rules of the Senate and Assembly, beg leave to report the accompanying Rules for the government of the Senate and Joint Rules for the government of the two Houses.

PHELPS,  
Chairman.

Report accepted and Rules adopted as follows :

#### STANDING RULES.

##### I.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

##### II.

After the reading and approving of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.

6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions, and Notices.
9. Business on the General File and Third Reading of Bills.
10. Unfinished Business of the Preceding day.
11. Special Orders of the Day.
12. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

### III.

Messages from the Governor, State officers, and from the Assembly, may be considered at any time.

### IV.

All bills and resolutions, after the second reading, (if the same be not committed, but if committed, then upon being reported,) shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

### V.

All questions relating to the priority of business shall be decided without debate.

### VI.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

### VII.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a Call of the Senate.
3. To lay on the Table.
4. To postpone to a Day certain.
5. To Commit.
6. To Amend.
7. To Postpone Indefinitely.

### VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

### IX.

Every Senator, when he speaks, shall, standing in his place, address the President; and when he has finished, he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

## X.

When two or more members rise at once, the President shall name the member who is to speak first.

## XI.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

## XII.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on report of a Committee, unless the Senate unanimously consent.

## XIII.

Every bill shall receive three readings, previous to its being passed. The President shall give notice at each, whether it be the first, second, or third; which reading shall be on different days, unless the Senate, by a two-third's vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed, or placed on the general file. No bill shall be amended or committed until twice read.

## XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate, at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## XV.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the President, or, in his absence, by the President, *pro tem.*, or in the absence of both, by the acting President.

## XVI.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

## XVII.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate, by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

## XVIII.

No member shall absent himself from the service of the Senate with-

out leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

#### XIX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

#### XX.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired. After such notice has been given, it shall not be in order for any other Senator to move a reconsideration of such vote until the next day after the same was taken.

#### XXI.

The following Standing Committees shall be appointed :

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of seven members.
4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.

10. Committee on State Prison and Public Buildings, to consist of seven members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp and Overflowed Lands, to consist of five members.

## XXII.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or, extending to the merits, being short of the final question.

## XXIII.

On a motion made and seconded, to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms, and Door-Keeper, of the Senate, to withdraw, and during the discussion of said motion, the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined, by order of the Senate.

## XXIV.

The Committee on Engrossed Bills shall examine all bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report.

## XXV.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz :

1. The Committee of the whole Senate.
2. A Standing Committee.
3. A Select Committee.

## XXVI.

In all cases not provided for by these rules, parliamentary practice, as laid down in Jefferson's Manual, is hereby adopted.

## XXVII.

The time of the meeting of the Senate shall be eleven, A. M. of each day, (Sundays excepted); and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

## XXVIII.

The rooms, passages, and buildings, set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, bills, etc. of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary pages and porters of the Senate. Places may be assigned to Reporters by the President.

## XXIX.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote, who is absent without the bar of the Senate without leave.

## XXX.

No rule shall be suspended without the concurrence of two-thirds of the members present, and no additional rule, or amendment of a rule, shall be made without giving at least one day's notice, and the concurrence of two-thirds of the members present.

## XXXI.

All bills on a second reading, shall be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

## XXXII.

The final question upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be—"Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present, but it shall at all times be in order, before the final passage of any such bill or resolution, to move its commitment under special instructions; and should such commitment take place, and any amendment be reported by the committee, the said bill or resolution shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be put.

## XXXIII.

The titles of bills, and such parts thereof only, as shall be affected by proposed amendments, shall be inserted in the journals.

## XXXIV.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the journals as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the journal.

## XXXV.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

## XXXVI.

In case of a disturbance, or disorderly conduct in the lobbies, the President, (or Chairman of the Committee of the whole Senate,) shall have power to order the same to be cleared.

## XXXVII.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

## XXXVIII.

On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

## XXXIX.

A President *pro tem.* shall be elected, who shall, in the absence of the President, take the Chair, and call the Senate to order, at the hour of the meetings of the Senate, and have the same power as the President.

## XL.

When the Senate is equally divided, the Secretary shall take the decision of the President. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest for each day's custody and releasement, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, to draw the

money on such checks for the members, (the same being previously signed by the President, and indorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

#### XXI.

No bill, or other matter, shall be printed, without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter, and the quantity, before payment shall be made or bills audited; and maps, accompanying documents, shall not be printed under the general order to print, without the special direction of the Senate.

#### XLII.

Two hundred and forty (240) copies shall be printed of each document, or other matter ordered, unless the Senate specially direct a different number.

#### XLIII.

In filling up blanks, the least sum or number, and the shortest time, shall be first put.

#### XLIV.

It shall be the duty of the Door-Keeper to prohibit all persons, except Senators, members of the Assembly, officers of the two Houses, and such Reporters as have had seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside of the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

#### XLV.

When, by order of the Senate, any Senate bill or resolution shall have been considered engrossed and passed, it shall be the duty of the Committee on Engrossed Bills, to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be reported to the Assembly, and the original retained by the Senate.

#### XLVI.

When nominations shall be sent by the Governor to the Senate for their confirmation, a future day shall be assigned for their consideration, unless the Senate shall unanimously direct otherwise.

#### XLVII.

The General File shall be the special order for each day, at 12 o'clock, m. It shall be considered at least two hours, if the Senate remain so long in session, as long as there is any business on the file, and this order shall take precedence of all other orders.

#### XLVIII.

No committee (Standing or Special,) shall elect a Clerk or Sergeant-at-Arms, without first obtaining the consent of the Senate.



## XLIX.

No claim shall be paid out of the Contingent Fund of the Senate, until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

## L.

The Secretary shall post each morning, in a conspicuous place, a list of all bills upon the General File, giving their order, and also setting forth their number and so much of their title as necessary to enable Senators to understand their general purport.

## JOINT RULES.

## I.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committees shall meet at a convenient hour to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses, for their action.

## II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## III.

Messages shall be sent by the Secretary, Clerk, or by such person, as a sense of propriety of each House may determine to be proper.

## IV.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

## V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

## VI.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrollment with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated.

## VII.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## VIII.]

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated, to the Governor of the State, for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated.) The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

## IX.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

## X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

## XI.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## XII.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

## XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

## XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

## XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

## XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

## XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a Concurrent Resolution passed by both Houses.

## XVIII.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

## XIX.

No spiritous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

## XX.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution from the Contingent Fund of either House, except by unanimous consent.

On motion of Mr. Phelps, the Secretary was directed to copy the Rules as amended, and report the same to the Assembly, notifying them officially of their adoption.

Mr. Denver made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 7, An Act to authorize the Masonic Hall Association, of the City of San Francisco, to sell, mortgage, and convey, certain Real Estate.

Also, Senate Bill, No. 8, An Act authorizing the Treasurer of the County of Fresno to transfer certain Funds, and at eleven o'clock, A. M. of this day delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

January 24th, 1861.

Mr. Dickinson, by leave, introduced a bill without notice, for An Act Appropriating Money for the pay of Copying done for the Legislature.

Read first and second times, and referred to the Finance Committee.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 25th, 1861. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill, No. 22, An Act to provide for Funding so much of the Indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to the first day of October, A. D. eighteen hundred and sixty-one.

Also, concurred in Senate Concurrent Resolution, No. 6, Relative to the establishment of Mail Routes in the Counties of Humboldt, Del Norte, and Trinity.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 22, was taken up, read first and second times, and red to the Yuba Delegation.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, January 25th, 1861. }

*To the Honorable the State of California :*

I have to inform your honorable body that I have this day approved Senate Bill, No. 8, An Act Authorizing the Treasurer of the County of Fresno to transfer certain Funds;

Also, Senate Bill, No. 7, An Act to authorize the Masonic Hall Association, of the City of San Francisco, to sell, mortgage, and convey, certain Real Estate.

JOHN G. DOWNEY,  
 Governor.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, January 25th, 1861. }

*To the Senate of California :*

I have to inform your honorable body, that Walter H. Harvey was appointed by me Superintendent of Immigration for the port of San Francisco, and respectfully request your honorable body to confirm the same.

JOHN G. DOWNEY.

Mr. Leet moved to make the message the special order of the day for Tuesday next at twelve o'clock, M.

Mr. Sharp moved to go into Executive Session, and consider the message now.

The question being first upon the motion of Mr. Leet.

Carried.

So the message was made the special order of the day for Tuesday next at twelve o'clock, M.

GENERAL FILE.

Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five—was considered in Committee of the Whole.

IN SENATE.

Bill reported back with a substitute reported by the Committee on Roads and Highways on yesterday—substitute adopted, rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No. 14, An Act to appropriate Money for Postage and Express Purposes for the present Session of the Legislature—was considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendment.

Mr. Clark moved to lay on the table.

Lost.

On motion of Mr. Leet, the bill was made the special order of the day for to-morrow, at twelve o'clock, M.

Mr. Merritt in the Chair.

Assembly Bill, No. 9, An Act to transfer certain Funds—was taken up and considered in Committee of the Whole.

IN SENATE.

Bill reported back, with an amendment—amendment concurred in, and bill read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Heacock, Watkins, and Dickinson, and taken with the following result: Ayes, 17—noes, 10:

**AYES**—Messrs. Chase, De la Guerra, Denver, Dickinson, Eagon, Edger-ton, Franklin, Haynes, Leet, Logan, Pico, Rhodes, Ryan, Thomas, Watson, Williamson, and Vance—17.

**NOES**—Messrs. Clark, Harvey, Heacock, Irwin, Parks, Shafter, Sharp, Warmcastle, Watkins, and Watt—10.

So the bill was passed as amended.

Mr. Sharp, by leave, made the following report:

**MR. PRESIDENT**:—The delegation from San Francisco and San Mateo, to whom was referred Senate Bill, No. 30, An Act to Change the Name of Eliza Clara Audin, and to regulate the Distribution of certain Property, have had the same under consideration, and beg leave to report the same back, with the accompanying amendment, and recommend the passage of the bill as amended.

Amend section two, by adding thereto words as follows:

*Provided*, the said Pierre G. Venard shall first execute and acknowledge, before some officer now authorized by law to take the acknowledgment of deeds and conveyances, and in like manner as deeds and conveyances are required to be acknowledged, a declaration in writing, that he freely and voluntarily consents and desires that the said Eliza Clara shall inherit from, and share in the estate of him, said Pierre G. Venard, as his own child. Said declaration shall be recorded in the office of the County Recorder in and for the city and county of San Francisco, and for recording the same the County Recorder shall receive the same fee as is allowed for recording a conveyance.

Respectfully,

SOL. A. SHARP,  
For the Delegation.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back, with amendments—amendments, concurred in, and ordered engrossed, and read a third time.

On motion of Mr. Watkins the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Saturday, January 26th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Watt presented the petition of Justice W. Lockwood, asking aid from the State, for the reason that he had become maimed in the service of the State in arresting a certain band of robbers.

Read and referred to the Committee on Claims.

#### REPORTS.

Mr. Merritt, Chairman of the Committee on Engrossed Bills, made the following report:

SENATE CHAMBER,  
January 26th, 1861. }

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 30, An Act to change the Name of Eliza Clara Audin, and Regulate the Distribution of certain Property, report the same correctly engrossed.

MERRITT,  
Chairman.

Mr. Franklin made the following report:

Mr. PRESIDENT:—The Committee on Public Hospitals, to whom was referred An Act relating to the Sale of Poisons, report the same back with an amendment, and recommend its passage as amended.

FRANKLIN,  
Chairman.

Report received, and, together with bill, placed on file.

Mr. Haynes made the following report:

Mr. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Senate Resolution, No. 13, in reference to the pay of Porters of the Senate, herewith report the same back, and recommend its adoption.

J. P. HAYNES,  
Chairman.

*Resolved*, That G. Holland and D. McLaughlin be allowed one week's salary, as allowed by law, for acting Porters, to be paid out of the Contingent Fund of the Senate.

On motion of Mr. Clark, the report was received, and resolution adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 25th, 1861.

*To the Senate of California:*

Mr. PRESIDENT:—I herewith transmit to your Honorable Body the Report of the Recording Secretary of the State Agricultural Society, containing a full statement of cash, silver plate, and books, received and disbursed from January sixteenth, eighteen hundred and sixty, to January twentieth, eighteen hundred and sixty-one, by said society, in compliance with the act of the Legislature of eighteen hundred and fifty-eight, on that subject.

JOHN G. DOWNEY,  
Governor.

Read, and referred to the Committee on Agriculture.

## INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill without notice, for An Act to authorize Encarnacion Carrillo de Robbins, to sell certain Lands in Santa Barbara County, belonging to her infant child.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Watson, by leave, introduced a bill without notice, for An Act to grant the right to construct a Bridge across the Big River, near its Mouth, to certain Parties therein named.

Read first and second times, and referred to the Committee on Corporations.

Mr. Watson, by leave, also introduced a bill without notice, for An Act to grant the right to construct a Bridge across Noyo River, near its Mouth, to certain Parties therein named.

Read first and second times, and referred to the Committee on Corporations.

Mr. Clark, by leave, introduced three bills without notice, for An Act to ratify and approve Ordinance Ninety-Six of the Board of Supervisors of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation ;

Also, for An Act to pay certain Warrants of the City and County of Sacramento herein mentioned.

Read first and second times, and referred to the Sacramento Delegation ;

Also, for An Act to amend An Act, approved April thirtieth, eighteen hundred and sixty, entitled An Act to provide Revenue for the Support of the Government of this State.

Read first and second times, and referred to the Committee on Finance.

Mr. Sharp, by leave, introduced three bills without notice, for An Act to Authorize the Construction of a Wharf in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Also, for An Act to amend an Act entitled An Act to Provide for the Disposition of certain Property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Committee on Commerce and Navigation ;

Also, for An Act to provide for the Payment and ascertain the value of the Interest of the State of California, within the Water Line Front of the City of San Francisco, as defined in an act entitled An Act to amend an Act entitled An Act to provide for the Disposition of certain Property of the State of California, passed eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Phelps offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be, and he is hereby, empowered, receipt to the Controller for the per diem and mileage of the members of the Senate and attachés.

adopted.

Mr. Edgerton offered the following resolution :

*Resolved*, That the Committee on Federal Relations be allowed a Clerk, at six dollars per diem, payable out of the Contingent Fund of the Senate.

Lost.

Mr. Haynes moved to reconsider the vote just taken by which the resolution was lost.

Upon which the ayes and noes were demanded by Messrs. Clark, Heacock, and Parks, and taken with the following result: Ayes, 12—noes, 13:

AYES—Messrs. Chase, Crittenden, Eagan, Edgerton, Franklin, Haynes, Ryan, Sharp, Watkins, Watson, Watt, and Vance—12.

NOES—Messrs. Clark, Denver, Harvey, Heacock, Irwin, Leet, Logan, Parks, Phelps, Rhodes, Shafter, Thornton, and Williamson—13.

So the Senate refused to reconsider.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 26th, 1861. }

MR. PRESIDENT: The Assembly has this day adopted a resolution Relative to the Census Returns, and ask the concurrence of the Senate.

J. W. SCOBEE,

Assistant Clerk.

The resolution was taken up, read and concurred in.

Mr. Sharp offered the following:

We, the undersigned members of the Senate Committee on Finance, and of the Senate Committee on Commerce and Navigation, request of the Senate that the said committees be allowed a Clerk jointly.

Respectfully, etc.

JAMES T. RYAN,  
JOHN A. EAGAN,  
J. M. VANCE,  
SOL. A. SHARP,  
J. McM. SHAFER,  
JOHN H. WATSON,  
J. P. HAYNES.

*Resolved*, That the Senate Committee on Finance, and the Senate Committee on Commerce and Navigation, be allowed a Clerk jointly, at the usual per diem, payable out of the Contingent Fund of the Senate.

Mr. Watson moved to amend by adding the Committee on Federal Relations.

Mr. Clark moved to amend the amendment by striking out "Finance Committee," and inserting "Federal Relations."

Accepted.

Mr. Denver offered the following as a substitute for the whole subject matter:

*Resolved*, That each of the Standing Committees of the Senate be allowed a Clerk, at a per diem of four dollars per day, to be paid out of the Contingent Fund of the Senate.

Lost.

Mr. Heacock then offered the following substitute:



*Resolved*, That the Clerk of the Committee on Public Expenditures be, and he is hereby, required to perform all duties that may be required of him by the committees on Finance, Education, and Commerce and Navigation, without any additional pay.

Lost.

The question recurring on the adoption of the original resolution as amended—

Mr. Clark moved that it be referred to the Special Committee heretofore appointed on the subject of Clerks, etc.

Here, the hour having arrived for the special order of the day—

Mr. Ryan moved to postpone the special order until the subject before the Senate could be disposed of.

Lost.

#### SPECIAL ORDER.

Senate Bill, No. 14, An Act to appropriate Money for Postage and Express Purposes for the present Session of the Legislature—was considered in Committee of the Whole.

#### IN SENATE.

Bill reported back, with amendments, and amendments concurred in.

Mr. Clark moved to add an additional section: "That this act shall take effect on and after its passage."

Carried.

On motion of Mr. Dickinson, the rules were suspended, the bill considered engrossed, read a third time and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 26th, 1861. }

Mr. PRESIDENT :—The House, on yesterday, concurred in Senate amendment to Assembly Bill, No. 9, An Act to transfer certain Funds;

Also, adopted the report of the Joint Committee on Joint Rules;

Also, passed Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale;

Also, passed Assembly Bill, No. 8, An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen hundred and fifty-seven;

Also, has adopted Concurrent Resolution, No. 6, Relative to Expunging Resolutions censuring the late Hon. D. C. Broderick;

Also, adopted Concurrent Resolution, No. 11, Relative to certain Mail Routes in this State;

Also, adopted Concurrent Resolution, No. 16, Relative to Joint Committee on Federal Relations—

And ask the concurrence of the Senate in the resolutions severally.

J. W. SCOBEE,

Assistant Clerk of Assembly.

Assembly Bill, No. 28—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 8—was read first and second times.

On motion of Mr. Phelps, the rules were further suspended, bill read a third time and passed.

Assembly Concurrent Resolution, No. 6—was taken up, and—

On motion of Mr. Edgerton, made the special order of the day for Saturday next, at twelve o'clock, M.

Assembly Concurrent Resolution, No. 11—was read and referred to the Senator from Plumas.

Assembly Concurrent Resolution, No. 16—was read and referred to the Committee on Federal Relations.

Mr. Sharp made the following report :

Mr. PRESIDENT;—The Judiciary Committee, to whom was referred Assembly Bill, No. 4, An Act extending the time for the Collection of Taxes in the County of Butte, have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute ;

Also, had under consideration Senate Bill, No. 27, An Act concerning Offices, and recommend that it be indefinitely postponed.

SHARP,

Chairman.

Report accepted and bill placed on file.

On motion of Mr. Merritt, leave of absence was granted Mr. Gillespie, the Engrossing Clerk of the Senate, until Tuesday next.

On motion of Mr. Shafter, the resolution under discussion, when the special order was called for, was again taken up, when—

On motion of Mr. Eagan, it was made the special order of the day for Tuesday next at twelve o'clock, M.

Mr. Clark, in the name of the Secretary of State, presented a report from Charles Dickinson, Commissioner of Emigration from this State at New York.

Mr. Leet moved to refer to the Joint Committee on Rules.

Mr. Edgerton moved to amend by referring to Committee on Commerce and Navigation.

Agreed to, and report so referred.

Mr. Watkins offered a Concurrent Resolution, Relative to going into Joint Convention, for the purpose of electing a United States Senator.

Mr. Parks moved to lay the resolution on the table.

Carried.

Mr. Phelps, by leave, moved that the resolutions heretofore offered by himself on the state of the Union, be ordered printed.

Agreed to, and the usual number of copies ordered printed.

#### COMMUNICATION FROM THE SURVEYOR-GENERAL.

The following communication was received from the Surveyor-General:

SURVEYOR-GENERAL'S OFFICE,  
January 25th, 1861. }

To the Hon. PABLO DE LA GUERRA,  
President of the Senate :

SIR:—I have the honor to submit the accompanying report, relating to the survey of the eastern boundary of the State.

Respectfully,

Your obedient servant,

H. A. HIGLEY,  
Surveyor-General.

Report received and referred to the Committee on Counties and County Boundaries.

Mr. Merritt moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Vance, Leet, and Dickinson, and taken, with the following result: Ayes, 13—noes, 10:

**AYES**—Messrs. Clark, Crittenden, Dickinson, Franklin, Harvey, Heacock, Irwin, Merritt, Parks, Phelps, Pico, Ryan, and Sharp—13.

**NOES**—Messrs. Denver, Haynes, Leet, Rhodes, Shafter, Watkins, Watson, Watt, Williamson, and Vance—10.

So the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 28th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Indefinite leave of absence was granted to Messrs. Watt and Thornton, and one day's leave to Mr. Warmcastle.

## REPORTS.

Mr. Shafter presented the following report:

Mr. PRESIDENT:—The undersigned, a member of the Committee of Federal Relations, has had under consideration sundry resolutions relative to the state of the Federal Union, and makes this, his report:

In the troubled times in which we live, and especially at the precise juncture of events at present existing, it becomes every citizen and man to endeavor, by a respectful and proper expression of his opinion, to so mold and fashion the judgment of the community, as to induce and establish public tranquility and prosperity.

As representing the aggregate intelligence and opinion of California, it is quite proper that the Legislature of California should express her judgment upon the course to be pursued in the perils which surround her, no less than the Union.

In the performance of this duty either of two methods of expression may be adopted. We may elaborate the whole subject of human slavery, its nature, its influence upon our country, and upon mankind, coupled with suggestions of some scheme or project of pacification and final settlement of all the questions incident thereto, or we may confine our action to an expression of our views upon the precise question presented for direct and immediate solution.

That question is expressed by the familiar language, "Can any citizen, or body of citizens, withdraw from the Federal Union without its consent, so as to exonerate such citizen from fealty to such Union, and from the

duties and liabilities which such fealty imposes?" It seems to the undersigned that this latter form of expression is the proper one for the occasion; and that by adopting it we shall avoid differences and difficulties which may be otherwise unsurmountable.

The report already made by the committee is subject to this remark, "That while it is in form made by a majority, it is assented to, in fact, by only two of the committee;" the amendment proposed by one being subversive of the whole doctrine and scope of the resolution reported by the other two.

But the main objection to the resolutions reported is, that they cover ground upon which it is inexpedient for us to enter at this time in the form of resolutions.

The undersigned, therefore reports, that in his judgment, said resolutions heretofore referred to said committee, ought not to be adopted, and recommends the adoption of the accompanying as a substitute therefor.

J. McM. SHAFTER.

Report received, resolutions ordered printed, and made the special order of the day for Thursday, January thirty-first, eighteen hundred and sixty-one, at twelve o'clock, M.

Mr. Clark made the following report:

Mr. PRESIDENT:—The Sacramento Delegation, to whom was referred Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento, herein named, have had the same under consideration, and report the bill back without amendment, and recommend its passage.

CLARK,  
HEACOCK.

Report received, and, together with the bill, placed on file.

Mr. Watson made the following report:

Mr. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution, No. 16, relative to Joint Committee on Federal Relations, have had the same under consideration, and herewith report the same back to the Senate, with a recommendation that the Senate refuse to concur therein.

JOHN H. WATSON,  
Chairman.  
SHAFTER,  
EDGERTON.

Report received, and, together with the resolutions, placed on file.

Mr. Clark made the following report:

Mr. PRESIDENT:—The Sacramento Delegation, to whom was referred Senate Bill, No. 46, have had the same under consideration, and report the same back. Mr. Heacock, one of the delegation, proposes a substitute for the bill, while the undersigned recommends its passage without amendment.

CLARK.

Report received, and, together with the bill, placed on file.

Mr. Heacock made the following report:

Mr. PRESIDENT:—As one of the Sacramento Delegation, to whom was referred Senate Bill, No. 46, Relative to Ratifying and Approving certain

Ordinances of the Board of Supervisors of the City and County of Sacramento, I would beg leave to report the accompanying bill as a substitute therefor, and recommend its passage.

In doing so, I deem it proper that I should embody herein some of my reasons therefor, since my colleague and myself differ in opinion thereto.

The Consolidation Act of the city and county of Sacramento, (Statute 1858, page 275,) provides for all the officers named in the bill referred to us, except the Assistant Clerk of the Board of Supervisors, and fixes the salaries of such officers at one hundred dollars per month. (Consolidation Act, Section 24.)

There is no such officer known in the act as Assistant Clerk of the Board of Supervisors, it being of the opinion of the framers of that act that the Clerk of the Board could perform all the duties. But after the act went into effect the Board of Supervisors were of the opinion that the duties were too onerous for one Clerk, and they created the office of Assistant Clerk, who was appointed in accordance with such ordinance, and entered upon his duties as such, and has ever since continued to discharge such duties.

The Board provided in the same ordinance that the salary of each of the other officers named therein should be fixed at one hundred and fifty dollars per month instead of one hundred dollars as fixed by the act. Upon this ordinance being tested before the Supreme Court, that tribunal recently decided that the Board had exceeded their powers and declared the ordinance null and void, and this bill is now introduced to ratify and approve said ordinance, which, if it becomes a law, will give to the Assistant Clerk one hundred and fifty dollars, and to each of the other officers therein named, the same sum per month from the first day of May, eighteen hundred and sixty.

The Assistant Clerk of the Board has received nothing for his services since the first of May last, and I deem it but right and proper that he should be paid as provided by said ordinance. But while I deem it a very unwise policy to reduce the salary of efficient officers to a starving minimum as a measure of revenue, still I think it would be establishing a dangerous precedent to allow them, as is sought in the present instance, after having accepted to perform the duties of their offices for a fixed and certain amount, known to them at the time of their acceptance of such appointment, increased salaries for past salaries.

I know the duties of some of the officers named in the bill are very onerous, requiring their whole time and attention, and deem the salary fixed by law too low, and shall be in favor of increasing it by an amendment to the act when such amendment may be proposed. I hope the substitute herewith submitted will pass.

HEACOCK.

Report received, and together with the substitute placed on file.

Mr. Clark offered the following resolution :

*Resolved*, That R. H. Shea be, and is hereby, appointed night Watchman of the Senate Chamber, at a salary of four dollars per day, payable out of the Contingent Fund of the Senate.

Mr. Iwin moved to amend by striking out the name of "R. H. Shea," and inserting "Charles French."

Mr. Leet moved to indefinitely postpone the resolution.

Carried.

On motion of Mr. Dickinson, two hundred and forty copies of the Rules of the Senate and Joint Rules of both Houses were ordered printed.

#### NOTICES OF BILLS.

Mr. Heacock gave notice that he would at an early day introduce a bill Relative to the Clerk of the Supreme Court, his Salary, and Fees of Office;

Also gave notice that he would at an early day introduce a bill to amend an act entitled An Act to amend An Act to Exempt the Homestead and other Property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty.

Mr. Irwin offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that a committee of three be appointed from each House to select proposals for translating the laws of eighteen hundred and sixty-one, into the Spanish language.

Adopted.

President *pro tem.* in the Chair.

Mr. Crittenden made the following report :

SENATE CHAMBER,  
January 24th, 1861. }

Mr. PRESIDENT :—Your Committee on Public Expenditures have examined the copying done for the Senate up to date and find it as follows :

Purpose.	Folios.	Per Folio.	Amount.
Journal and Appendix.....	1,355	15 cts.	\$202 25
For Printer.....	2,368	10 cts.	236 80
Totals.....	3,733	.....	\$439 05

R. D. CRITTENDEN,  
Chairman.

Report received, and on motion of Mr. Phelps, adopted.

On motion of Mr. Vance, Assembly Bill, No. 4, An Act extending the time for collecting the Delinquent Taxes in the County of Butte, together with the substitute, heretofore reported from the Judiciary Committee—was taken from the file, and substitute adopted.

Mr. Vance moved that the rules be suspended, bill considered engrossed, read a third time and passed.

Mr. Phelps rose to a point of order : That the bill was a new one, and required to be read first and second times before it could be engrossed.

The Chair ruled the point of order well taken.

So the bill was read first and second times.

Mr. Vance then renewed his motion to suspend the rules and consider the bill engrossed, that it might be read a third time and passed now.

Mr. Leet moved to refer to the Finance Committee.

Mr. Watkins moved to rerefer to the Judiciary Committee.

Mr. Ryan moved to refer to a Committee of the Whole, and consider the bill now.

Agreed to, and bill considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, rules suspended, and bill ordered engrossed, and read a third time.

Mr. Harvey, by leave, introduced a bill without notice, for An Act to establish a Standard of Weights and Measures.

Read first and second times and referred to the Finance Committee.

Mr. Leet introduced a bill pursuant to notice, An Act to provide for the better observance of the Sabbath, and to secure a Day of Rest from Secular Pursuits.

Read first and second times and referred to the Committee on Public Morals.

Mr. Shafter here rose to a point of order, "That the original Assembly Bill, No. 4, for which a substitute was this day adopted, was still before the Senate, the substitute having been read first and second times, stood as an original Senate Bill; therefore, the Senate must take action upon the Assembly Bill."

The Chair ruled the point of order well taken.

Mr. Phelps appealed from the decision of the Chair.

Mr. Vance moved a call of the Senate.

Sustained.

Roll called, and the Sergeant-at-Arms dispatched after absentees.

Absent—Messrs. Burbank, Chase, Crittenden, De Long, De la Guerra, Denver, Dickinson, Edgerton, Gallagher, Hill, Logan, Merritt, Pico, Thornton, Warmcastle, Watt, and Williamson.

Mr. Denver appearing at the bar of the Senate, was admitted, which, making a quorum—

On motion of Mr. Phelps, further proceedings under the call were dispensed with.

The question was then put: "Shall the decision of the Chair stand as the judgment of the Senate?"

Lost.

So the decision of the Chair was not sustained.

On motion of Mr. Sharp, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, January 29th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Sharp presented the petition of David T. Van Orden, together with bill entitled An Act for the Relief of David T. Van Orden.

Bill read first and second times, and referred to the San Francisco Delegation.

Mr. Shafter offered a memorial and petition from citizens of San Francisco, remonstrating against the passage of An Act amending Section Three of an Act entitled An Act to Provide for the Location of Slaughter Houses, Corrals, and Cattle Pens, in the City and County of San Francisco.

Received, and referred to the San Francisco Delegation.

#### REPORTS.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate Bill, No. 14, An Act to appropriate Money for Postage and Express Purposes for the present session ;

Also, Senate Bill, No. 47, An Act to Authorize Encarnacion Carrillo de Robbins to sell certain Lands in Santa Barbara County, belonging to her infant Children ;

Also, Substitute for Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five, and report the same correctly engrossed.

Report received.

Mr. Irwin, to whom was referred Assembly Concurrent Resolution, No. 11, Relative to certain Mail Routes in this State, reported the same back with an amendment, and recommended the adoption of the amendment.

On motion, the rules were suspended, and the resolution considered.

Amendment reported by the committee concurred in, and resolution adopted as amended.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,

January 29th, 1861. }

Mr. PRESIDENT :—The Assembly, on the 28th inst. passed Assembly Bill, No. 41, An Act to provide for the Collection of Delinquent Taxes in the County of Butte.

J. W. SCOBEE,

Assistant Clerk.

Assembly Bill, No. 41, was read first and second times, and referred to the Committee on Finance.

ASSEMBLY CHAMBER,

January 29th, 1861. }

Mr. PRESIDENT :—The Assembly on the twenty-sixth instant, passed Assembly Bill, No. 40, An Act to Fix the Time of Holding the County Court, Probate Court, and Court of Sessions, for the County of Alameda ;

Also, Assembly Bill, No. 43, An Act to extend the time for collecting Taxes in the County of Sonoma ;

Also, Assembly Bill, No. 26, An Act to extend the time for the payment of the principal of the Purchase Money on Lands sold by the State on a Credit, where said Lands are claimed to be within the Boundaries of a Mexican or Spanish Grant ;

Also, on the twenty-eighth instant, passed Assembly Bill, No. 38, An



Act making Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, A. D. eighteen hundred and sixty;

Also, Assembly Bill, No. 49, An Act to change the name of the Town "Brazos del Rio," in the County of Solano, to the name of "Rio Vista;"

Also, Senate Bill, No. 9, An Act concerning the Pay of Officers and Employés of the Senate;

Also, adopted Concurrent Resolution, No. 18, Relative to certain Mail Routes in this State;

Also, Concurrent Resolution, No. 19, Relative to Mail Routes in Mendocino County;

Also, Concurrent Resolution, No. 22, Granting leave of absence to to Green T. Martin, County Judge of Tuolumne County, and ask the concurrence of the Senate therein;

Also, adopted Concurrent Resolution, No. 21, Relative to Translation of the Laws into Spanish, and has appointed Messrs. Covarrubias, Morrison, and Johnson, a committee on the part of the House, and respectfully ask that the Senate concur, and appoint a similar committee.

J. W. SCOBEEY.

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 40—was read first and second times, rules suspended, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back with amendments, amendments adopted, rules further suspended, bill read a third time, and passed.

Assembly Bill, No. 43—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 26—was read first and second times.

Mr. Parks moved to suspend the rules, and consider the bill now.

Lost.

On motion of Mr. Warmcastle, it was referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill, No. 38—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 49—was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Concurrent Resolution, No. 18—was read and concurred in.

Assembly Concurrent Resolution, No. 19—was read.

On motion of Mr. Ryan, laid on the table.

Assembly Concurrent Resolution, No. 21—was read and concurred in.

Assembly Concurrent Resolution, No. 22—was read and concurred in.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 29th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly has this day adopted Assembly Concurrent Resolution, Relative to Printing. The resolution is herewith presented.

J. M. ANDERSON,  
Clerk of Assembly.

The resolution was read, and on motion of Mr. Ryan, referred to the Joint Committee on Printing.

## NOTICES OF BILLS.

Mr. Sharp gave notice that he would on to-morrow introduce a bill for An Act to provide for a Railroad within the City and County of San Francisco;

Also, a bill for An Act to grant the Right of Way, and to authorize the parties therein mentioned, to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and to run Cars thereon;

Also, a bill for An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco;

Also, at an early day, a bill for An Act to revise and amend an Act entitled An Act to regulate the settlement of Estates of Deceased Persons, and all Acts amendatory thereof, and supplementary thereto.

Mr. Denver made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Concurrent Resolution, No. 6, Relative to the establishment of Mail Routes in the Counties of Humboldt, Del Norte, and Trinity.

A. ST. C. DENVER,  
Chairman.

January 29th, 1861.

The President here announced to the Senate his appointment of Messrs. Irwin, Pico, and Shafter, as a Special Committee of three, relative to translating Laws of eighteen hundred and sixty-one, into the Spanish language, pursuant to resolution adopted by the Senate on yesterday.

## SPECIAL ORDER.

The Governor's message relative the appointment of W. H. Harvey as Superintendent of Immigration was taken up.

Mr. Ryan moved to go into Executive Session.

Agreed to.

The question being: Will the Senate advise, and consent, to the appointment of W. H. Harvey, as Superintendent of Immigration, for the Port of San Francisco—the roll was called with the following result: Ayes, 24—noes, 1:

AYES—Messrs. Chase, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Harvey, Haynes, Heacock, Irwin, Logan, Merritt, Parks, Phelps, Pico, Ryan, Shafter, Sharp, Thomas, Warmcastle, Watson, and Williamson—24.

NOES—Mr. Leet—1.

So the appointment was confirmed.

## FURTHER SPECIAL ORDER.

Senate Bill, No. 20, An Act amendatory of and supplementary to an Act entitled An Act to provide for the formation of Corporations for certain purposes, etc.—was taken up and considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back with amendments, amendments concurred in, and on motion of Mr. Williamson, referred to the Committee on Mines and Mining Interests.

Mr. Vance moved to adjourn.

Lost.

## FURTHER SPECIAL ORDER.

Resolution Relative to allowing the Senate Committees on Federal Relations, and Commerce and Navigation, a Clerk, jointly—was taken up.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Clark, Parks, and Harvey, and taken with the following result: Ayes, 16—noes, 10:

**Ayes**—Messrs. De la Guerra, Denver, Eagan, Gallagher, Irwin, Logan, Merritt, Pico, Ryan, Shafter, Sharp, Thomas, Watkins, Watson, Williamson, and Vance—16.

**Noes**—Messrs. Clark, Franklin, Harvey, Haynes, Heacock, Leet, Parks, Phelps, Rhodes, and Warmcastle—10.

So the resolution was adopted.

Mr. Phelps offered the following resolution:

*Resolved*, That John Clark be, and he is hereby, allowed the sum of twenty-four dollars for services rendered from January seventh to January nineteenth, to be paid out of the Contingent Fund of the Senate.

Read, and referred to the Committee on Contingent Expenses.

Mr. Denver offered the following resolution:

*Resolved*, That the Committee on Enrolled Bills be authorized to appoint an Assistant Enrolling Clerk when they may consider the same necessary, who shall receive eight dollars per day, payable out of the fund for the pay of Officers of the Senate. Said Clerk shall also act as Clerk to the Committee on Enrolled Bills.

Adopted.

Mr. Ryan moved to adjourn.

Lost.

Mr. Merritt gave notice that on to-morrow he would move a reconsideration of the vote had to-day, by which the resolutions were adopted allowing the Committees on Federal Relations and Commerce and Navigation a Clerk, and the Enrolling Committee to appoint an Assistant Enrolling Clerk.

Mr. Sharp offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that this Legislature adjourn *sine die* on the first Tuesday in March next, at twelve o'clock, M.

On motion of Mr. Clark, the resolution was read and referred to Mr. Sharp.

## INTRODUCTION OF BILLS.

Mr. Clark, by leave, introduced a bill without notice, for An Act to appropriate Money for the Payment of the Salary of the additional Clerk in the State Land Office.

Read first and second times and referred to the Judiciary Committee.

Mr. Heacock introduced a bill, pursuant to notice, for An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six.

Mr. Heacock introduced a bill, pursuant to notice, for An Act to amend an Act entitled An Act to amend an Act to Exempt the Homestead and other Property from Forced Sale in certain cases, passed April twenty-

first eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill, without notice, for An Act for the Protection of Water Companies.

Read first and second times and referred to the Judiciary Committee.

Mr. Logan, by leave, introduced a bill, without notice, for An Act to grant the right to certain Parties to supply the People of Red Bluff with Gas.

Read first and second times.

Mr. Logan moved to suspend the rules and consider the bill now.

Carried.

Pending the action on the bill, on motion of Mr. Sharp, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Wednesday, January 30th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Phelps presented a petition from the Chamber of Commerce of the City of San Francisco, praying for an amendment of sections thirty-two and thirty-six of article four, of the Constitution of the State.

Read and referred to the Judiciary Committee.

## REPORTS.

Mr. Gallagher made the following report :

MR. PRESIDENT :—The Committee on Miners and Mining Interests, to whom was referred Senate Bill, No. 20, An Act amendatory of the Law regarding Corporations, have carefully examined the same, and report the bill back with the recommendation that the same pass, with such amendments as were on yesterday adopted.

R. A. GALLAGHER,  
Chairman.

Mr. Vance moved to suspend the rules, and consider the bill now.  
Lost.

The bill, together with the report, were placed on file.

Mr. Dickinson made the following report :

MR. PRESIDENT :—The Senate portion of the Joint Committee on Printing, to whom was referred Assembly Concurrent Resolution No. —, Relative to Printing additional copies of certain Reports, report the same back with an amendment, and recommend the passage of the resolution as amended :

Amend by striking out, in third and fourth lines, the words "Controller's Report, Treasurer's Report, and."

DICKINSON,  
For Committee.

Report received, and, together with resolution, placed on file.

Mr. Haynes made the following report:

Mr. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Senate Resolution, No. 26, Relative to the Pay of John Clark, for Services rendered, report the same back and recommend its adoption.

J. P. HAYNES,  
Chairman.

Report received and resolution adopted.

Mr. Irwin made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate Substitute, No. 51, for Assembly Bill, No. 4, An Act to Extend the Time for the Collection of State and County Taxes in the County of Butte, and report the same correctly engrossed.

IRWIN,  
Of Engrossing Committee.

Report received

Mr. Edgerton made the following report:

Mr. PRESIDENT:—Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 26, entitled An Act to extend the time for Payment of the principal of the Purchase Money on Lands sold by the State on a Credit, where Lands are claimed to be within the Boundaries of a Mexican or Spanish Grant, have had the same under consideration, and recommend its passage with amendments herewith submitted.

EDGERTON,  
Chairman.

Mr. Parks moved to suspend the rules and consider the bill now.

Agreed to.

Bill considered in Committee of the Whole, and amendments recommended by committee adopted.

#### IN SENATE.

Bill reported back with amendments, amendments concurred in, rules suspended, bill read a third time and passed as amended.

On motion of Mr. Parks, the title of the bill was amended by striking out all after the word "credit."

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 29th, 1861. }

Mr. PRESIDENT:—The Assembly have this day passed Assembly Bill, No. 3, An Act supplemental to an Act entitled An Act to Repeal the several Acts Incorporating the City of Benecia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

J. W. SCOBEEY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 3, read first and second times, and referred to the Senator from Napa, Mr. Edgerton.

## INTRODUCTION OF BILLS.

Mr. Burbank, by leave, introduced a bill without notice, for An Act to audit and allow certain Claims.

Read first and second times and referred to the Committee on Claims.

Mr. Harvey, by leave, introduced a bill without notice, for An Act amendatory of and supplementary to an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss' Bridge, on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty.

Read first and second times, and referred to the Sacramento and El Dorado delegations.

Mr. Vance offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the State Prison Committees of the Senate and Assembly, be, and they are hereby instructed to visit San Quentin at an early day, investigate the condition of the State Prison, convicts, etc. and report to the Legislature the result of their labors.

Mr. Merritt moved to lay the resolution on the table.

Carried.

On motion of Mr. Logan, Senate Bill, No. 56, An Act to grant the right to certain parties to supply the People of Red Bluff with Gas, was taken up, read a third time, and passed.

Mr. Vance moved to take up Assembly Bill, No. 4.

Lost.

Mr. Leet gave notice that he would at an early day introduce a bill for An Act to suspend the Sale of Swamp and Overflowed Lands in this State.

## GENERAL FILE.

Senate Bill, No. 30, An Act to change the name of Elise Clara Audin, and to regulate the distribution of certain Property, was taken up, read a third time and passed.

Senate Bill, No. 29, An Act regulating the Sale of Poisons, was taken up, and considered in Committee of the Whole, and amendments proposed by the committee adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill ordered engrossed, and read a third time.

Mr. Shafter in the Chair.

Senate Bill, No. 15, An Act to amend the fifty-eighth Section of An Act to Provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty, was considered in Committee of the Whole, and the amendments proposed by the Committee on Finance adopted.

## IN SENATE.

Reported back with amendments.

Mr. Phelps moved to amend by striking out the word "agricultural," where it was inserted by the Committee of the Whole, and inserting the words "other than wines or spiritous liquors."

Lost.

On motion of Mr. Parks, the amendments of the committee were concurred in.

On motion of Mr. Clark, the bill was ordered to be engrossed, and read a third time.

Senate Bill, No. 21, An Act to audit and allow the claim of Wm. Duer, or his assigns, was considered in Committee of the Whole, and amended as recommended by the Committee on Claims.

#### IN SENATE.

Reported back, amendment concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 27, An Act concerning Officers, was taken up, and indefinitely postponed.

Senate Bill, No. 46, An Act to ratify and approve Ordinance ninety-six of the Board of Supervisors of the City and County of Sacramento, was taken from the file, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Heacock, Merritt, and Parks, and taken with the following result: Ayes, 20—noes, 5:

**AYES**—Messrs. Clark, Crittenden, Denver, Eagan, Harvey, Haynes, Hill, Irwin, Leet, Logan, Merritt, Pico, Ryan, Shafter, Sharp, Warmcastle, Watkins, Watson, Williamson, and Vance—20.

**NOES**—Messrs. Dickinson, Franklin, Heacock, Parks, and Rhodes—5.

So the bill was passed.

Mr. Gallagher moved a call of the Senate.

Agreed to.

Roll called.

The Sergeant-at-Arms was dispatched after absentees.

**ABSENT**—Messrs. Chase, DeLong, De la Guerra, Edgerton, Franklin, Haynes, Hill, Merritt, Thomas, Thornton, and Watt.

On motion of Mr. Clark, further proceedings under the call was dispensed with.

Senate Bill, No. 45, An Act to pay certain Warrants of the City of Sacramento herein mentioned, was taken from the file, and rereferred to Sacramento Delegation.

Assembly Concurrent Resolution, No. 16, Relative to Joint Committee on Federal Relations, was next taken up, recommendation of the committee adopted, and resolution indefinitely postponed.

Senate Bill, No. 20, An Act amendatory of and supplementary to an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three—was ordered to be engrossed, and read a third time.

Mr. Eagan, by leave, introduced a bill, without notice, for An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six.

Read first and second times and referred to the Committee on Claims.

Mr. Sharp, by leave, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, to wit:

Senate Bill, No. 2, entitled An Act to amend an Act entitled An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other acts amendatory thereto, approved April twenty-eighth, eighteen hundred and sixty, having fully considered the same, report it back, and recommend that it do not pass;

Also, Senate Bill, No. 5, entitled An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty, having considered the same, report the bill back, with the recommendation that the same do not pass;

Also, substitute for Senate Bills, Nos. 2 and 5, entitled An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty, having considered the same, report it back, and recommend that it do not pass;

Also, Senate Bill, No. 34, entitled An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty, having considered the same, now report the bill back, and recommend its passage without amendment;

Also, Senate Bill, No. 37, entitled An Act to fix the Compensation of the District Attorney of Napa County, having considered the same, report the bill back, with the accompanying amendments, and recommend the passage of the same as amended.

Amend as follows :

*First*—In line five, section three, after the word "Act" insert words "payable out of the General Fund."

*Second*—Strike out "section three."

*Third*—In section four, strike out figure "four" and insert "three."

Also, Senate Bill, No. 38, entitled An Act in amendment of An Act to regulate Proceedings in Criminal Cases, approved May first, eighteen hundred and fifty-one, having considered the same, report it back, and recommend its passage without amendment.

SHARP,  
Chairman.

Report received, and together with bills, placed on file.

#### MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Parks, the following message from the Assembly was taken up :

HOUSE OF ASSEMBLY, }  
January 30th, 1861. }

Mr. PRESIDENT :—The House has this day refused to concur in Senate amendments to Assembly Bill, No. 26, An Act to extend the time for the payment of the Principal of the Purchase Money on Lands sold by the State on a Credit, where said Lands are claimed to be within the Boundaries of a Mexican or Spanish Grant, and have appointed Messrs. Conness, Curtis, and Smith of Tulare, a Committee of Free Conference on the part of the House, and request the appointment of a similar committee on the part of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

On motion of Mr. Parks, a Committee of Free Conference was ordered appointed on the part of the Senate.



The Chair appointed as such committee, Messrs. Parks, Warmcastle, and Phelps.

Mr. Eagan, by leave, offered the following resolution :

*Resolved*, That the resolution authorizing the Enrolling Committee to employ an Assistant Enrolling Clerk be, and the same is hereby, rescinded.

Pending the action on the resolution, on motion of Mr. Irwin, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, January 31st, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Warmcastle presented a petition from the Trustees and Board of Council of the Ladies' Seamen's Friend Society of the Port of San Francisco, asking aid, etc.

Read, and referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Dickinson made the following report :

Mr. PRESIDENT :—Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 49, An Act to change the Name of the Town of "Brazos Del Rio," in the County of Solano, to the name of "Rio Vista," have had the same under consideration, and report the bill back without amendment, and recommend its passage.

DICKINSON,

Chairman.

Report received, and, together with the bill, placed on file.

Mr. Dickinson also made the following report :

Mr. PRESIDENT :—The Committee on Counties and County Boundaries, to whom was referred the report of the Surveyor-General, on Eastern Boundary Survey, ask leave to report the same back, with the accompanying resolution, and recommend the passage of the same :

*Resolved*, By the Senate, the Assembly concurring, that a Joint Committee of three from each House be appointed, to take into consideration the report of the Surveyor-General, on Eastern Boundary Survey, (the same being now in the hands of the Senate,) and report such action thereon as they may deem necessary.

DICKINSON,

Chairman.

On motion of Mr. Dickinson, the rules were suspended, report concurred in, and resolution adopted.

The Chair appointed Messrs. Hill, Franklin, and Williamson, as Senate Committee.

Mr. Parks made the following report :

Mr. PRESIDENT :—Your committee, (the Yuba Delegation,) to whom was referred Assembly Bill, No. 22, An Act to provide for Funding so much of the indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County, prior to the first day of October, A. D. eighteen hundred and sixty, have had the same under consideration, and beg leave to report the same back, and recommend its passage without amendment.

W. H. PARKS,  
For Delegation.

Report received, and, together with the bill, placed on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 31st, 1861. }

Mr. PRESIDENT :—The Assembly on yesterday, concurred in Senate amendments to Assembly Concurrent Resolution, No. 11, Relative to certain Mail Routes in this State ;

Also, concurred in Senate amendments to Assembly Bill, No. 40, An Act to fix the time of holding the County Court, Probate Court, and Court of Sessions, for the County of Alameda :

Also, has this day passed Senate Bill, No. 47, An Act to authorize Encarnacion Carillo de Robbins to sell certain Lands in Santa Barbara County, belonging to her infant Children.

J. W. SCOBEEY,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Mr. Warmcastle, by leave, introduced a bill without notice, for An Act Appropriating Money for the benefit of the Ladies' Seamen's Friend Society of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Heacock introduced a bill pursuant to notice, for An Act relative to the Clerk of the Supreme Court, his Salary, Deputy, and Fees of Office.

Read first and second times, and referred to the Judiciary Committee.

Mr. Burbank, by leave, introduced a bill without notice, for An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Rhodes, by leave, introduced a bill without notice, for An Act concerning Officers.

Read first and second times, and referred to the Judiciary Committee.

Mr. Eagan, by leave, introduced a bill without notice, for An Act concerning the Officers of Amador County, and the collection of Poll-Taxes, License-Taxes, and Foreign Miners' License-Taxes, in said county.

Read first and second times, and referred to the delegations from Calaveras and Amador.

Mr. Shafter, by leave, introduced a bill without notice, for An Act to audit and pay the claim of Gregory Yale.

Read first and second times, and referred to the Committee on Claims.

Mr. Edgerton, to whom was referred Assembly Bill, No. 3, An Act supplemental to an Act entitled An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine, reported the same back verbally, and recommended its passage without amendment.

On motion of Mr. Edgerton, the rules were suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules further suspended, bill read a third time, and passed.

Mr. Parks, by leave, made the following report:

Mr. PRESIDENT:—The Committee on Free Conference appointed to confer with a like committee of the House, on the disagreement of the two Houses on Assembly Bill, No. 26, beg leave to report as follows:

The House concurs in first Senate amendment.

The House concurs in third Senate amendment.

The Senate recedes from second Senate amendment.

The committee recommends the adoption of report.

W. H. PARKS,

Chairman of said Committee.

Report received, rules suspended, and report concurred in.

Mr. Heacock gave notice that at an early day he would introduce a bill Relative to public Ferries and Toll-Bridges.

#### GENERAL FILE.

Senate Substitute, No. 51, for Assembly Bill, No. 4, An Act to extend the time for the collection of State and County Taxes in the County of Butte, was taken from the file, read a third time, and passed.

Assembly Concurrent Resolution, No. —, Relative to printing the Controller's Report, Treasurer's Report, and Surveyor-General's Report, was read, amendment reported by the Committee on Joint Printing concurred in, and resolution adopted as amended.

Senate Bill, No. 2, An Act to amend an Act entitled An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved April twenty-eighth, eighteen hundred and sixty, was taken up, report of the Judiciary Committee adopted, and bill rejected.

Senate Bill, No. 5, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty, was considered, report of the Judiciary Committee adopted, and bill rejected.

Senate Substitute for Senate Bills, Nos. 2 and 5, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty, was taken up, report of the Judiciary Committee adopted, and bill rejected.

Senate Bill, No. 84, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty, was considered, and ordered to be engrossed, and read a third time.

Senate Bill, No. 37, An Act to fix the compensation of the District Attorney of Napa County, was considered in Committee of the Whole, and amendments proposed by the Judiciary Committee adopted.

#### IN SENATE.

Amendments concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 38, An Act in amendment of An Act to regulate proceedings in Criminal Cases, approved May first, eighteen hundred and fifty-one, was next considered, and ordered to be engrossed, and read a third time.

#### SPECIAL ORDERS.

The Union Resolutions, being first on the Calendar, was taken up, when after debate—

On motion of Mr. Leet, the further consideration thereof was postponed until to-morrow at one o'clock, P. M. at which time they were made the special order.

On motion of Mr. Irwin, Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State, was made the special order of the day for to-morrow at half past eleven o'clock, A. M.

On motion of Mr. Gallagher, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Friday, February 1st, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Phelps presented a petition of Daniel J. Roberts, together with bill for An Act authorizing the Treasurer of State to issue Bonds.

Read first and second times and referred to the Committee on Finance.

Mr. Chase, by leave, introduced Concurrent Resolution, Relative to state of the Union.

Made special order for one o'clock, P. M. together with other resolutions on some subject, and—

On motion of Mr. Vance, ordered printed.

#### REPORTS.

Mr. Denver made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and found correctly enrolled, Senate Bill, No. 9, An Act concerning the Pay of Officers and Employés of the Senate, and have delivered the same to

the Governor for his approval, at twelve o'clock, M. on the thirty-first of January, eighteen hundred and sixty-one.

A. ST. C. DENVER,  
Chairman.

Mr. Irwin made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, and an Act entitled An Act to amend an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed April thirtieth, eighteen hundred and fifty-five, and an Act entitled An Act supplementary to an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March twenty-seventh, eighteen hundred and fifty-seven, and An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, and an Act entitled An Act to amend an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed April thirtieth, eighteen hundred and fifty-five, passed April tenth, eighteen hundred and fifty-eight, and an Act entitled An Act amendatory and supplemental to an Act entitled An Act to provide for the Formation of Corporations for certain Purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March seventh, eighteen hundred and fifty-nine, and report the same correctly engrossed.

R. IRWIN.

Mr. Clark made the following report :

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 32, An Act to pay for Volumes Fourteen and Fifteen of the Reports of the Supreme Court of the State of California ;

Also, Senate Bill, No. 57, An Act to appropriate Money for the payment of the Salary of the additional Clerk in the State Land Office ;

Also, Senate Bill, No. 39, An Act appropriating Money for the pay of Copying done for the Legislature.

We have had the same under consideration, and report them back to the Senate, with the recommendation that each of said bills do pass.

As to Senate Bill, No. 32, they recommend that the Secretary be directed to add an enacting clause before its final passage.

CLARK,  
Chairman.

Report received, and, with bill, placed on file.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, to wit :

Assembly Bill, No. 28, entitled An Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale, have had the same under consideration, and report the bill back, with the following amendments, and recommend the passage of the bill as amended :

First—Strike out all after the enacting clause, and insert as follows :

"Sec. 1. That Thomas Cutler, Administrator of the estate of Albert Cutler, late a resident of the county of Tuolumne, deceased, be, and he is

hereby, authorized and empowered to sell all the real estate of which the said Albert Cutler died, seized, or possessed of, in the State of California, and any right, title, or interest, in such real estate, belonging to the said deceased in his lifetime, at such time or times, on such terms, and in such manner, at private sale, as shall be most advantageous to the said estate; *provided*, that when any sale is made under and by virtue of the authority given by this Act, at least one-third of the purchase money shall be paid at the time of such sale, and the balance upon such credit as the said Thomas Cutler may deem expedient to give, not to exceed six months, and the purchaser, or purchasers, shall secure the purchase money remaining unpaid by note and mortgage on the property sold.

SEC. 2. The said Administrator shall make a full report of any and all such sale, or sales, as shall be made by him, to the Probate Court of the county of Tuolumne, and the Judge of said court shall examine the same, and confirm, or set aside, the said sale, or sales, as in the cases of sales of real estate by Executors or Administrators.

SEC. 3. The said Administrator, upon the confirmation of any such sale, or sales, as herein before provided, and the compliance on the part of the purchaser, or purchasers, with the terms of such sale or sales, as set forth in section first of this act, is hereby authorized to execute, acknowledge, and deliver, to the said purchaser, or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding, as if the same had been made by the said Albert Cutler in his lifetime.

SEC. 4. Said Administrator, prior to any sale made by authority of this act, shall give bonds in double the appraised value of said real estate, with two or more sureties, who shall severally justify, as in cases of all other bonds given, pursuant to the statute regulating the administration of the estate of deceased persons, conditioned that said Administrator shall faithfully account for all moneys arising from any such sales.

SEC. 5. This act shall take effect and be in force from and after its passage.

Your committee have also had under consideration Senate Bill, No. 54, entitled An Act to amend an Act entitled An Act to amend An Act to exempt the Homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty, and report the bill back with the following amendments, and recommend the passage of the bill as amended.

*First*—Insert an enacting clause, "The People of the State of California, represented in Senate and Assembly, do enact as follows."

*Second*—Amend section two, by adding words as follows: "*Provided*, also, that a mortgage or alienation to secure the purchase money, or pay the purchase money, shall not be valid except the signature of the wife be obtained to the same and be acknowledged by her, separately and apart from her husband.

Your committee have also had under consideration Assembly Bill No. 43, entitled An Act to extend the time for collecting Taxes in the County of Sonoma, report the bill back with the following amendments, and recommend its passage as amended.

*First*—Strike out all after the enacting clause, and insert as follows:

SECTION 1. The Sheriff or Tax Collector of the County of Sonoma is hereby authorized to continue the collection of State and County Taxes, due in the said county, until the first Monday in May, eighteen hundred and sixty-one, and for such purposes he shall have all the power given

to the Sheriff or Tax Collector provided by law, and the Sheriff or Tax Collector of said county shall not be required to make his final settlement, or return his delinquent list, until the first Monday in June, in said year; *provided*, that the said Sheriff or Tax Collector shall, before proceeding under this Act, make settlement in accordance with the provisions of law, of all taxes now collected by him; and *provided*, also, that said Sheriff or Tax Collector shall execute a good and sufficient bond according to law, with two sureties in the sum of five thousand dollars, to be approved as the official bonds of Sheriff or Tax Collector, are required by law to be approved and to be conditioned for the faithful discharge of the duties imposed upon him by this act.

Sec. 2. This act shall expire on the tenth day of June, eighteen hundred and sixty-one, and during its continuance all acts so far as the same are in conflict and inconsistent with this act, are hereby suspended in said county of Sonoma.

Sec. 3. This act shall take effect from and after its passage.

SHARP,  
Chairman.

Report received, and, with bills, placed on file.

#### SPECIAL ORDER.

Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States, to ascertain and mark a portion of the Eastern Boundary Line of this State, was taken up.

Mr. Parks offered a substitute.

On motion of Mr. Sharp, the bill and substitute were made the special order of the day for Thursday next, at twelve o'clock, m. and the usual number of copies of the substitute ordered printed.

Mr. Edgerton made the following report:

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 1, entitled An Act to confirm and legalize the Tax List and Assessment Roll of the County of Solano, for the year ending June thirtieth, eighteen hundred and sixty-one, and to extend the time for the Sheriff of Solano County to collect the Delinquent Taxes due thereon, has had the same under consideration, and herewith reports it back to the Senate, recommending its passage.

EDGERTON.

On motion of Mr. Clark, the report was received, rules suspended, and bill considered in Committee of the Whole.

Mr. Phelps in the Chair.

#### IN SENATE.

Bill reported back without amendment, read a third time and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 1st, 1861. }

Mr. PRESIDENT:—The Assembly on yesterday, passed Senate Bill, No. 14, An Act to appropriate Money for Postage and Express Purposes for the present Session of the Legislature;

Also, Senate Bill No. 30, An Act to change the name of Eliza Clara Audin, and to regulate the distribution of certain Property;

Also, Assembly Bill, No. 15, An Act to confer further Powers upon the Board of Supervisors of San Joaquin County;

Also, Assembly Bill, No. 52, An Act to change the name of Nelly H. Peters to Nelly H. Toomes;

Also, Assembly Bill, No. 58, An Act to fix the Compensation of the County Judge of Calaveras County;

Also, adopted Assembly Concurrent Resolution, No. 7, Relative to Mail Routes in San Diego County, and ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill, No. 15—was read first and second times, and placed on file.

Assembly Bill, No. 52—was read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back with an amendment.

Amendment concurred in, and bill read a third time and passed.

Assembly Bill, No. 58—was read first and second times, and placed on file.

Assembly Concurrent Resolution, No. 7—was read and concurred in.

#### INTRODUCTION OF BILLS.

Mr. Harvey introduced a bill, pursuant to notice, for An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek, in El Dorado County.

Read first and second times, rules further suspended, bill considered engrossed, read a third time and passed.

Mr. Heacock introduced a bill, pursuant to notice, for An Act to amend an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

Read first and second times and referred to the Committee on Roads and Highways.

Mr. Watkins, by leave, introduced a bill, without notice, for An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee.

Mr. Haynes, by leave, introduced a bill, without notice, for An Act for the relief of John J. Carey, Treasurer of Klamath County.

Read first and second times and referred to the Committee on Claims.

Mr. Sharp, by leave, introduced a bill, without notice, for An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times and referred to the Judiciary Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 1st, 1861. }

Mr. PRESIDENT :—The Assembly has this day passed Assembly Bill,



No. 65, An Act to extend the time for collecting Taxes in the County of Colusa.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 65—was read first and second times.

Mr. Logan moved to suspend the rules further and consider the bill now.

Agreed to, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendment, read a third time and passed.

Mr. Vance gave notice that he would at an early day introduce a bill in relation to the officers of Butte County, which proposes to abolish the offices of Public Administrator, Superintendent of Public Instruction, and Tax Collector, or Tax Collectors, of said county; also, the fee system will be by said bill abolished, and a given salary be provided for the several offices of the county.

On motion of Mr. Hill, Assembly Bill No. 48, An Act to extend the time for collecting Taxes in the County of Sonoma—was taken from the file, considered in Committee of the Whole, and amendments proposed by the Judiciary Committee in their report this day made adopted.

#### IN SENATE.

Reported back, amendments concurred in, and bill read a third time and passed.

Mr. Ryan offered a Concurrent Resolution, Relative to a Joint Convention to elect a United States Senator.

Mr. Parks moved to lay on the table.

Upon which, the ayes and noes were demanded, by Messrs. Leet, Heacock, and Ryan, and taken, with the following result: Ayes, 18—noes, 13:

**AYES**—Messrs. Burbank, Clark, De Long, Dickinson, Eagan, Franklin, Harvey, Heacock, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thornton, Warmcastle, Watson, and Williamson—18.

**NOES**—Messrs. Chase, Denver, Haynes, Hill, Irwin, Leet, Logan, Ryan, Sharp, Thomas, Watkins, Watt, and Vance—13.

So the resolution was laid on the table.

#### GENERAL FILE.

Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three—was taken up, read a third time and passed.

Assembly Bill, No. 22, An Act to provide for funding so much of the Indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to the first day of October, A. D. eighteen hundred and sixty—was read a third time and passed.

Assembly Bill, No. 49, An Act to change the name of the Town of Brazos del Rio, in the County of Solano, to the name of Rio Vista—was taken up and considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendment, read a third time and passed.

**SPECIAL ORDER.**

The Union Resolutions were taken up and discussed, when after debate, on motion of Mr. Parks, they were made the special order for Tuesday next, at twelve o'clock, M.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

**IN SENATE.**

SENATE CHAMBER,

Saturday, February 2d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Burbank presented the remonstrance of sundry citizens of San Francisco, against the change of the statute in relation to the erection of Slaughter-Houses, etc. in the City of San Francisco.

Referred to the San Francisco Delegation.

On motion of Mr. Watson, indefinite leave of absence was granted to Mr. Edgerton.

**REPORTS.**

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 46, An Act to Ratify and Approve Ordinance Number Ninety-Six of the Board of Supervisors of the City and County of Sacramento, approved May the twenty-ninth, eighteen hundred and sixty;

Also, Senate Bill, No. 15, An Act to amend the Fifty-Eighth Section of An Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 38, An Act in amendment of An Act to regulate Proceedings in Criminal Cases, approved May first, eighteen hundred and fifty-one;

Also, Senate Bill, No. 21, An Act to audit and allow the claim of Peyton, Duer, Lake, and Rose, or their assigns, and find them correctly engrossed.

MERRITT,

Chairman.

Mr. Harvey made the following report:

Mr. PRESIDENT:—The Sacramento and El Dorado delegations, to whom was referred Senate Bill, No. 58, An Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for the crossing of Brockliss' Bridge, on the Sacramento and El Dorado Wagon Road, approved April fifth, eigh-

teen hundred and sixty—have had the same under consideration, and report the bill back, and recommend its passage.

O. HARVEY,  
For the Delegation.

Report received, and, with the bill, placed on file.

Mr. Watt made the following report:

Mr. PRESIDENT:—The Committee on Roads and Highways, to whom was referred Senate Bill, No. 69, An Act to amend an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five—have had the same under consideration, and recommend its indefinite postponement.

WILLIAM WATT,  
Chairman.

Report received, and, with bill placed on file.

Mr. Clark in the Chair.

Mr. Phelps, by leave, introduced a bill without notice, for An Act to provide for the sale of the Marsh and Tide Lands of this State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Dickinson, by leave, made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal and Appendix.....	1,243	15 cts.	\$186 45
For Printer.....	2,763	10 cts.	276 80
Total.....	4,006	.....	\$462 75

On motion of Mr. Dickinson, the report was adopted.

#### RESOLUTIONS.

Mr. Phelps offered the following resolution:

*Resolved*, That a Select Committee of three be appointed for the purpose of thoroughly examining into the manner in which the Quarter-Master and Adjutant-General has conducted the business of his office in the past, and as to its present condition.

Adopted.

The Chair appointed as such committee, Messrs. Phelps, Parks, and Leet.

Mr. Irwin offered the following resolution:

*Resolved*, That the Engrossing Clerk be, and is hereby, allowed to employ an Assistant, at a per diem of eight dollars, to be paid out of the Contingent Fund of the Senate.

Read, and referred to the Committee on Engrossed Bills.

#### NOTICES OF BILLS.

Mr. DeLong gave notice that he would, in a few days, introduce a bill

providing to extend the provisions of the present statute relative to Fences, to the County of Yuba;

Also, a bill providing to repeal so much of the Revenue Act of last winter, as requires each County to Issue Licenses to Hawkers and Peddlers, and making said licenses, when so issued, serviceable only within the counties issuing them.

#### GENERAL FILE.

Senate Bill, No. 58, An Act amendatory of, and supplementary, to an act entitled An Act authorizing the Board of Supervisors of El Dorado County, to levy a Toll for crossing of Brockliss' Bridge on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty—was taken up, and considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back with amendment, amendment concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County—was considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back with amendment, amendment concurred in, and bill read a third time, and passed.

Senate Bill, No. 54, An Act to amend an Act entitled An Act to amend An Act to exempt the Homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty—was taken up.

On motion of Mr. DeLong, the bill was made the special order of the day for Friday next at twelve o'clock, M. and the usual number of copies, together with the amendments proposed by the Judiciary Committee, ordered printed.

Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell Real Estate at private sale—was considered in Committee of the whole, and amendments reported from the Judiciary Committee adopted.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 58, An Act to fix the compensation of the County Judge of Calaveras County—was read a third time, and passed.

Senate Bill, No. 39, An Act appropriating money for the pay of the Copying done for the Legislature—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 32, An Act to pay for volumes fourteen and fifteen of the Reports of the Supreme Court of the State of California—was considered in Committee of the Whole, and amendments proposed by the Finance Committee, adopted.

#### IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 57, An Act to appropriate money for the payment of the Salary of the additional Clerk in the Land Office—was taken up, and ordered to be engrossed, and read a third time.

## SPECIAL ORDER.

The Broderick Expunging Resolutions being the special order, were taken up.

On motion of Mr. DeLong, they were made the special order for Wednesday next at twelve o'clock, M.

Mr. Denver made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 47, An Act to authorize Encarnacion Carrillo de Robbins to sell certain Lands in Santa Barbara County, belonging to her infant Children—and at eleven o'clock and twenty minutes delivered the same to the Governor for his approval.

A. STC. DENVER,

February 2d, 1861.

Chairman.

## THIRD READING OF BILLS.

Senate Bill, No. 21, An Act to audit and allow the claim of Peyton, Duer, Lake, and Rose, or their Assigns—was read a third time, and passed.

Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty—was read a third time and passed.

Senate Bill, No. 15, An Act to amend the fifty-eighth section of An Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty, was—

On motion of Mr. Leet, rereferred to the Finance Committee, with special instructions to amend by striking out the words "County Auditor," and inserting the words "District Collector," and any other amendments that they might think proper.

Senate Bill, No. 38, An Act in amendment of An Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one—was considered.

The question being on the final passage of the bill, the ayes and noes were demanded by Messrs. Phelps, Chase, and DeLong, and taken with the following result: Ayes, 10—noes, 15 :

AYES—Messrs. Burbank, Clark, Denver, Haynes, Leet, Merritt, Rhodes, Shafter, Thomas, and Watson—10.

NOES—Messrs. Chase, Crittenden, DeLong, Franklin, Gallagher, Irwin, Logan, Parks, Phelps, Ryan, Thornton, Warmcastle, Watkins, Watt, and Vance—15.

So the bill did not pass.

Mr. Phelps gave notice that he would on Monday, move a reconsideration of the vote just taken by which the bill was rejected.

On motion of Mr. Phelps, leave of absence was granted to Senator Sharp, and the Assistant Sergeant-at-Arms, for two days each

## REPORTS.

Mr. Merritt made the following report :

MR. PRESIDENT:—The Engrossing Committee have examined Senate Bill, No. 29, An Act regulating the sale of Poisons, and report the same correctly engrossed.

MERRITT,

Chairman.

Mr. Denver made the following report :

**Mr. PRESIDENT:**—Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 14, An Act to appropriate money for Postage and Express Purposes for the present Session of the Legislature;

Also, Senate Bill, No. 30, An Act to change the name of Eliza Clara Audin, and to regulate the Distribution of certain Property.

A. ST. C. DENVER,  
Chairman.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 4th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Watson and Pico.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted to Senators Parks, Harvey, and Williamson, for one day.

## REPORTS.

**Mr. Clark**, Chairman of the Finance Committee, to whom was referred Assembly Bill, No. 38, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year ending the thirtieth day of June, eighteen hundred and sixty—made a verbal report recommending the passage of the bill.

Placed on file.

**Mr. Denver** made the following report:

**Mr. PRESIDENT:**—Your Committee on Enrolled Bills, did, on Saturday, February second, eighteen hundred and sixty-one, at two o'clock, P. M. deliver to the Governor for his approval, Senate Bill, No. 14, An Act to appropriate Money for Postage and Express Purposes, for the present Session of the Legislature;

Also, Senate Bill, No. 30, An Act to change the name of Eliza Clara Audin, and to regulate the distribution of certain property.

A. ST. C. DENVER,  
Chairman.

## INTRODUCTION OF BILLS.

**Mr. Logan**, by leave, introduced a bill without notice, for An Act to amend An Act creating a Board of Commissioners and the office of Overseer in each Township in the several Counties of this State, to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several acts amendatory thereto.

Read first and second times.

**Mr. Logan** moved to suspend the rules further, and consider the bill now.

Lost.

Mr. Dickinson moved to refer to the Committee on Internal Improvements.

Lost.

Mr. Ryan moved to refer to the Committee on Mines and Mining Interests, with instructions to report as soon as practicable.

Carried, and bill so referred.

Mr. Leet, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Finance.

Mr. Phelps, pursuant to notice, moved to reconsider the vote by which the Senate, on Saturday, refused to pass Senate Bill, No. 88.

On motion of Mr. Phelps, the motion to reconsider was made the special order of the day for to-morrow, at half past eleven o'clock, A. M.

#### GENERAL FILE.

Senate Bill, No. 29, An Act regulating the sale of Poisons—was read a third time and passed.

Senate Bill, No. 69, An Act to amend an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five—was taken up, report of Committee on Roads and Highways adopted, and bill indefinitely postponed.

On motion of Mr. Dickinson, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, February 5th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Absent—Messrs. De la Guerra and Parks.

Quorum present.

Journal of yesterday read and approved.

Mr. Gallagher made the following report:

SENATE CHAMBER,  
Tuesday, February 5th, 1861. }

Mr. PRESIDENT:—The Committee on Mines and Mining Interest, to whom was referred Senate Bill, No. 74, An Act to amend An Act creating a Board of Commissioners, and the office of Overseer in each Township in the several Counties of this State to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several Acts amendatory thereto—have had the same under consideration, and report the same back, and recommend its passage without amendment.

P. A. GALLAGHER,  
Chairman.

Report received, and with bill placed on file.

#### INTRODUCTION OF BILLS.

Mr. Leet, by leave, introduced a bill without notice, for An Act to change the name of Andreas Christian Michelsen, to William Smith.

Read first and second times, and placed on file.

Mr. Harvey introduced a bill, pursuant to notice, for An Act to provide for a Railroad Survey for certain routes over the Sierra Nevada Mountains.

Read first and second times, and referred to the Committee on Internal Improvements, and the usual number of copies ordered to be printed.

Mr. Rhodes, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act to regulate Elections, passed March third, eighteen hundred and fifty, and the several Acts amendatory thereto.

Read first and second times, ordered printed, and referred to the Committee on Elections.

Mr. Rhodes, by leave, also introduced a bill without notice, for An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers, passed March twentieth, eighteen hundred and fifty-five.

Read first and second times, ordered printed, and referred to Committee on Elections.

Mr. Irwin made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 30, An Act to pay for volumes fourteen and fifteen of the Reports of the Supreme Court of the State of California;

Also, Senate Bill, No. 57, An Act to appropriate money for the payment of the Salary of the additional Clerk in the State Land Office, and report the same correctly engrossed.

R. IRWIN.

Bills placed on file for third reading.

Mr. Heacock gave notice that he would at an early day introduce a bill to authorize the Administrator of the estate of Nicholas Swan, deceased, and Zachariah Simpson, deceased, and apply the moneys in his hands for certain purposes.

#### COMMUNICATION FROM THE SERGEANT-AT-ARMS.

The following communication was received from the Sergeant-at-Arms:

*To the President and members of the Senate:*

Attached please find bill of newspapers furnished Senators as per resolution. The vouchers for the same will accompany the account, and most respectfully request that the account and vouchers be referred to the Committee on Contingent Expenses.

W. F. WILLIAMSON,

Sergeant-at-Arms of Senate.

Received and referred to the Committee on Contingent Expenses.

Assembly Bill, No. 38, An Act making an appropriation for Deficiencies for the Eleventh Fiscal Year ending the thirtieth day of June, eighteen hundred and sixty—was taken up, read a third time and passed.

#### SPECIAL ORDER.

The motion to reconsider the vote by which the Senate, on Saturday, refused to pass Senate Bill, No. 38, being the first special order—was taken up and considered.



On motion of Mr. Edgerton, the further consideration thereof was postponed to Thursday next at eleven o'clock, A. M.

FURTHER SPECIAL ORDER.

The Union Resolutions being the special order of the day for twelve o'clock, M. and the hour of twelve having arrived—were taken up.

On motion of Mr. Phelps, the further consideration of the resolutions was postponed to to-morrow at half past eleven o'clock, A. M.

On motion of Mr. Harvey, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 6th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Crittenden, Parks, Sharp, Thomas, and Watson.

Quorum present.

Journal of yesterday read and approved.

PETITIONS,

Mr. Heacock presented the account of Z. L. Garwood, for two months' rent for Committee Rooms for the Senate.

Received, and referred to the Committee on Contingent Expenses.

Mr. Vance presented the petition of citizens of Butte County, praying that a charter may be given to H. B. Lathrop, and his associates to erect a Bridge across Feather River, at Oroville, and collect Tolls for its use.

Received, and referred to the delegation from Plumas and Butte.

REPORTS.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills, have examined Senate Bill, No. 37, An Act to fix the Compensation of the District Attorney of Napa County;

Also, Senate Bill, No. 39, An Act appropriating Money for the pay of Copying done for the Legislature, and report the same correctly engrossed.

MERRITT,

Chairman.

Report received, and bills placed on file for a third reading.

Mr. Dickinson made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures, have examined the copying done for the Senate, and find the State of California debtor to C. W. Tozer, Secretary of Senate, for copying to date, four hundred and seventy-eight dollars and fifty cents.

DICKINSON,

For Committee.

Rules suspended, report considered, and adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 5th, 1861. }

Mr. PRESIDENT:—The House, on the second instant, adopted Assembly Concurrent Resolution, No. 29, Relative to the Pony Express—and request the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

Concurrent Resolution, No. 29—was read and concurred in.

INTRODUCTION OF BILLS.

Mr. Phelps, by leave, introduced a bill without notice, for An Act to provide for the Incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto.

Read first and second times, ordered printed, and referred to a Special Committee of five, consisting of Messrs. Phelps, Parks, Leet, Rhodes, and Ryan.

Mr. Warmcastle, by leave, introduced a bill without notice, for An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Heacock, pursuant to notice, introduced a bill for An Act to authorize the Administrator of the Estate of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands to certain purposes.

Read first and second times, and referred to the Judiciary Committee.

Mr. DeLong, by leave, introduced a bill without notice, for An Act authorizing the Mayor and Common Council of the City of Marysville to provide certain Moneys for the benefit of the Agricultural, Horticultural and Mechanics' Society of the Northern District of California.

Read first and second times, and referred to the Yuba Delegation.

Mr. Dickinson, by leave, introduced a bill without notice, for An Act making an Appropriation for deficiencies for the Twelfth Fiscal Year ending thirtieth of June, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

Mr. Rhodes, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act concerning Official Bonds.

Read first and second times, and referred to the Judiciary Committee.

Mr. Gallagher offered a Concurrent Resolution relative to going into Joint Convention for the purpose of electing a United States Senator.

Mr. Phelps moved to lay on the table.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Gallagher, and Heacock.

Mr. De Long moved a call of the Senate.

Agreed to.

Roll called, and the Sergeant-at-Arms dispatched for absentees.

Absent—Messrs. Chase, Crittendon, Leet, Parks, Ryan, Sharp, Thomas, and Watson.

Mr. Dickinson in the Chair.

On motion of Mr. Gallagher, further proceedings under the call were dispensed with.

The question recurring upon the motion to lay on the table, the ayes and noes were taken, with the following result: Ayes, 16—noes, 9:

**AYES**—Messrs. Burbank, De Long, Dickinson, Eagan, Edgerton, Franklin, Harvey, Heacock, Irwin, Merritt, Phelps, Rhodes, Shafter, Thornton, Warmcastle, and Williamson—16.

**NOES**—Messrs. De la Guerra, Denver, Gallagher, Haynes, Hill, Logan, Pico, Watkins, and Watt—9.

So the resolution was laid on the table.

On motion of Mr. Edgerton, the Broderick Expunging Resolutions were taken up, and made the special order of the day for Saturday, February sixteenth, at twelve o'clock, M.

#### SPECIAL ORDER.

The hour for the special order of the day having arrived, the Union Resolutions were taken up, and after debate, on motion of Mr. Phelps, made the special order of the day for to-morrow, at half-past eleven o'clock, A. M.

Mr. Edgerton in the Chair.

On motion of Mr. Merritt, leave of absence was granted to Messrs. Crittenden and Sharp, for one day.

On motion of Mr. Phelps, Senate Bill, No. 32, An Act to pay for Volumes Fourteen and Fifteen of the Reports of the Supreme Court of the State of California—was taken up, read a third time and passed.

On motion of Mr. Logan, Senate Bill, No. 74, An Act to amend An Act creating a Board of Commissioners and the office of Overseer in each Township in the several Counties of this State, to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several Acts amendatory thereto—was taken from the file, rules suspended, bill considered engrossed, read a third time and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

February 6th, 1861. }

Mr. PRESIDENT:—The Assembly has this day passed Senate Bill, No. 39, An Act appropriating Money for the pay of Copying done for the Legislature.

J. W. SCOBEEY,  
Assistant Clerk.

ASSEMBLY CHAMBER,

February 6th, 1861. }

Mr. PRESIDENT:—The Assembly on yesterday concurred in Senate Concurrent Resolution, No. 13, Relative to the Report of the Surveyor-General on the Boundary Survey;

Also, in Senate amendment to House resolution, Relative to printing additional copies of reports of State Officers;

Also, in Senate amendments to the following bills:

Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County.

Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale.

Assembly Bill, No. 43, An Act to extend the time for collecting Taxes in the County of Sonoma.

Assembly Bill, No. 52, An Act to change the name of Nelly H. Peters to Nelly H. Toomes;

Also, passed the following bills:

Assembly Bill, No. 79, An Act to amend an Act entitled An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District, approved January thirteenth, eighteen hundred and sixty.

Assembly Bill, No. 81, An Act to legalize a survey of the City of Petaluma.

Assembly Bill, No. 87, An Act extending the time for the completion of a contract made under an act entitled An Act to provide for the opening of a Channel across the Bar at the mouth of San Antonio Creek, passed April tenth, eighteen hundred and sixty.

Assembly Bill, No. 88, An Act to extend the time of collecting Taxes in the County of Santa Cruz.

J. W. SCOBEEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill, No. 97—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 81—was read first and second times and referred to Senator Hill.

Assembly Bill, No. 87—was read first and second times, rules further suspended, read a third time and passed.

Assembly Bill, No. 88—was read first and second times and referred to the Committee on Finance.

Mr. Shafter, by leave, introduced a bill, without notice, for An Act to audit and allow the claim of John Herzo, Assignee.

Read first and second times and referred to the Committee on Claims.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Thursday, February 7th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Phelps presented a petition from sundry citizens of Santa Cruz and San Mateo Counties, asking for a change of their Boundary Line;

Also, a bill in relation thereto entitled An Act to amend An Act to re-organize and establish the County of San Mateo.

Bill read first and second times, and with petition referred to the delegations from Santa Cruz, San Mateo, and Santa Clara.

Mr. Clark presented a petition from sundry citizens of San Mateo and San Francisco Counties, praying for the passage of a bill authorizing the laying out of a Highway from Center Street, in the City of San Francisco, to the gap known as "The Portezuelo," in the San Bruno range of mountains, and providing for its maintenance and repairs.

Received and referred to the delegation from San Francisco and San Mateo.

#### REPORTS.

Mr. Haynes made the following report :

MR. PRESIDENT :—Your Committee on Contingent Expenses, to whom were referred sundry accounts for newspapers and postage, herein set forth, report that they have examined the same, and recommend the payment thereof out of the Contingent Fund of the Senate, to wit :

Purpose.	Amount.
San Francisco Daily Herald, Dougherty, Agent.....	\$44 10
San Francisco Weekly Herald, Dougherty, Agent.....	1 50
Daily Alta California, Dougherty, Agent.....	33 60
Weekly Alta California, Dougherty, Agent.....	1 50
Evening Bulletin, Lytle, Agent.....	32 00
Weekly Bulletin, Lytle, Agent.....	2 00
Daily Times, Lytle, Agent.....	10 00
Weekly Times, Lytle, Agent.....	50
Weekly Golden Era, Lytle, Agent.....	2 00
El Eco Del Pacific.....	5 00
Calaveras Chronicle.....	5 00
Yreka Union.....	18 00
Spirit of the Times.....	78 00
Daily Union, James Anthony & Co.....	72 00
Weekly Union, James Anthony & Co.....	5 25
J. R. Hardenbergh, Postmaster.....	11 60
<b>Totals.....</b>	<b>\$322 05</b>

J. P. HAYNES,  
Chairman.

Report received and placed on file.

Mr. Clark made the following report :

MR. PRESIDENT :—The Finance Committee to whom was referred Senate Bill, No. 25, An Act in relation to Auctioneers—have had the same under consideration, and report the same back, and recommend its passage.

CLARK,  
Chairman.

Report received, and with bill placed on file.

#### MESSAGE FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 6th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have this day approved the following bills, viz :

Senate Bill, No. 9, An Act concerning the pay of Officers and Employés of the Senate ;

Also, Senate Bill, No. 47, An Act to authorize Encarnacion Carrillo de Robbins to sell certain Lands in Santa Barbara County belonging to her infant Children ;

Also, Senate Bill, No. 14, An Act to appropriate money for Postage and Express Purposes during the present Session of the Legislature ;

Also, Senate Bill, No. 30, An Act to change the name of Eliza Clara Audin, and to regulate the distribution of certain Property.

JOHN G. DOWNEY.

Governor.

REPORTS.

Mr. Irwin made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate Bill, No. 58, An Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss' Bridge on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty—and report the same correctly engrossed.

RICHARD IRWIN.

Mr. Denver made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 39, An Act appropriating money for the pay of Copying done for the Legislature, and at eleven o'clock and twenty minutes presented the same to the Governor for his approval.

A. ST. C. DENVER,

February 7th, 1861.

Chairman.

SPECIAL ORDER.

The special order being the motion of Mr. Phelps to reconsider the vote by which the Senate on Saturday, refused to pass Senate Bill, No. 38, An Act in amendment of An Act to regulate proceedings in Criminal Cases, approved May first, eighteen hundred and sixty-one.

The ayes and noes were demanded by Messrs. Dickinson, Watt, and Chase, and taken with the following result ; Ayes, 23—noes, 10 :

AYES—Messrs. Burbank, Chase, Clark, De la Guerra, Denver, Dickinson, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Sharp, Thomas, and Warmcastle—23.

NOES—Messrs. Crittenden, DeLong, Franklin, Gallagher, Logan, Thornton, Watson, Watt, Williamson, and Vance—10.

So the motion prevailed and the vote was reconsidered.

On motion of Mr. Phelps, the bill was referred to the Judiciary Committee, with special instructions to amend section three hundred and seventy-six of the Criminal Practice Act, by adding thereto, "or unless the false pretense be proven by the testimony of two witnesses, or by the testimony of one disinterested witness and corroborating circumstances."

Mr. Ryan, by leave, introduced a bill without notice, An Act transferring certain Funds.

Read first and second times, and referred to the Finance Committee, with instructions to report on to-morrow.

#### SPECIAL ORDER.

The Union Resolutions, being the special order, were then taken up.

At three o'clock, P. M. on motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Friday, February 8th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Clark presented the claim of W. W. Upton, together with a bill in relation thereto entitled An Act to provide for the payment of services rendered in defending the case of T. F. W. Price vs. The Controller, Secretary of State, and State Treasurer.

Bill read first and second times, and with claim, referred to the Committee on Claims.

#### REPORTS.

Mr. Denver made the following report :

Mr. PRESIDENT :—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Concurrent Resolution, No. 13, Relative to the Report of the Surveyor-General on the Boundary Survey.

A. ST. C. DENVER,  
Chairman.

Mr. Hill made the following report :

Mr. PRESIDENT :—The delegation to whom was referred Assembly Bill, No. 81, entitled An Act to legalize the Survey of the City of Petaluma—report the bill back, without amendment, and recommend that the bill pass.

Report received, and with bill, placed on file.

Mr. Clark made a verbal report from the Finance Committee, on Senate Bill, No. 88, An Act to transfer certain Funds, recommending its passage.

Report accepted, and bill placed on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

## ASSEMBLY CHAMBER,

February 6th, 1861. }

**Mr. PRESIDENT:**—The Assembly on yesterday passed Senate Bill, No. 51, An Act to extend the time for the collection of State and County Taxes in the County of Butte.

**J. W. SCOBEE,**  
Assistant Clerk.

## INTRODUCTION OF BILLS.

**Mr. Crittenden** introduced a bill pursuant to notice, for An Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for School purposes by Act of Congress, passed March the third, eighteen hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund.

Read first and second times, and referred to the Committee on Education.

**Mr. Sharp**, pursuant to notice, introduced a bill, for An Act to amend An Act entitled An Act to regulate the settlement of the estate of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other acts amendatory thereto.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

**Mr. Sharp**, pursuant to notice, introduced a bill, entitled An Act to amend an Act entitled An Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

**Mr. Edgerton**, by leave, introduced a bill without notice, for An Act prescribing rules for the State Library.

Read first and second times, and referred to the State Library Committee.

**Mr. Burbank**, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, approved March thirteenth, eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco Delegation.

**Mr. Rhodes**, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

**Mr. Rhodes**, by leave, introduced a bill without notice, for An Act to authorize Caius T. Ryland to sell certain Real Estate of his infant Children.

Read first and second times, and referred to the delegation from Santa Clara County.

**Mr. Sharp**, by leave, introduced a bill without notice, for An Act to grant the Right of Way and to authorize the parties therein mentioned to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and to run Cars thereon.

Read first and second times, and referred to the San Francisco Delegation.

**Mr. Gallagher** offered a Concurrent Resolution, Relative to going into



Joint Convention on the twentieth day of February, eighteen hundred and sixty-one, for the purpose of electing a United States Senator.

Mr. Dickinson moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Watt, Gallagher, and Dickinson, and taken with the following result: Ayes, 15—noes, 19:

**AYES**—Messrs. Burbank, Dickinson, Eagan, Franklin, Heacock, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thornton, Warmcastle, Williamson, and Vance—15.

**NOES**—Messrs. Chase, Clark, DeLong, De la Guerra, Denver, Edgerton, Gallagher, Harvey, Haynes, Hill, Irwin, Leet, Logan, Ryan, Sharp, Thomas, Watkins, Watson, and Watt—19.

So the motion was lost.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Messrs. Merritt, Clark, and Denver, and taken with the following result: Ayes, 19—noes, 15:

**AYES**—Messrs. Chase, Clark, DeLong, De la Guerra, Denver, Edgerton, Gallagher, Harvey, Haynes, Hill, Irwin, Leet, Logan, Ryan, Sharp, Thomas, Watkins, Watson, and Watt—19.

**NOES**—Messrs. Burbank, Dickinson, Eagan, Franklin, Heacock, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thornton, Warmcastle, Williamson, and Vance—15.

So the resolution was adopted.

#### MOTIONS.

On motion of Mr. Haynes, the report made by the Committee on Contingent Expenses, on yesterday, Relative to Newspaper Accounts—was taken from the file, and adopted by the Senate.

On motion of Mr. Ryan, Senate Bill, No. 88, An Act to transfer certain Funds—was taken from the file, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules further suspended, bill considered on grossed, read a third time.

The question then being, Shall the bill pass, the ayes and noes were demanded by Messrs. Leet, Burbank, and Irwin, and taken with the following result: Ayes, 19—noes, 15.

**AYES**—Messrs. Chase, DeLong, De la Guerra, Denver, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Haynes, Hill, Merritt, Pico, Ryan, Sharp, Thomas, Watson, Williamson, and Vance—19.

**NOES**—Messrs. Burbank, Clark, Harvey, Heacock, Irwin, Leet, Logan, Parks, Phelps, Rhodes, Shafter, Thornton, Warmcastle, Watkins, and Watt—15.

the bill passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 8th, 1861. }

**PRESIDENT**:—I am directed to inform the Senate that the Assem-

bly have this day passed Assembly Bill, No. 62, An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Bill, No. 62—above reported, was read first and second times, and referred to Senator Hill.

Indefinite leave of Absence was granted Messrs. Shafter and Parks.

On motion of Mr. Merritt, the Union Resolutions—were taken up, when—

On motion of Mr. Leet, they were made the special order of the day for to-morrow at twelve o'clock, M.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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### IN SENATE.

SENATE CHAMBER,  
Saturday, February 9th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Watkins made the following reports:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate Bill, No. 71, being claim of John P. Cary, Treasurer of Klamath County, for money overpaid into the State Treasury, beg leave to report the same back without amendment, and recommend its passage.

H. P. WATKINS,  
Chairman.

Report accepted, and bill placed on file.

Mr. Watkins also made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of J. W. Lockwood, for injuries received and expenses incurred by him in arresting highwaymen in Nevada County, have had the same under consideration and recommend that it be rejected.

H. P. WATKINS,  
Chairman.

Report accepted, and bill placed on file.

Mr. Hill made the following report:

MR. PRESIDENT:—The Special Committee, to whom was referred Assembly Bill No. 62, report the bill back without amendment, and recommend its passage.

HILL.

On motion of Mr. Hill, the rules were suspended, and the bill above reported—An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino—was taken up, read a third time, and passed.

Mr. Leet made the following report :

Mr. PRESIDENT:—Your committee, to whom was referred Senate Bill, No. 20, An Act prescribing rules for the State Library—ask leave to report the same back with certain amendments, and recommend the passage of the bill when so amended.

LEET,  
Chairman.

Report accepted, and with bill placed on file.

#### COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor :

OFFICE BOARD STATE PRISON DIRECTORS, }  
February, , 1861. }

Hon. PABLO DE LA GUERRA,

President of the Senate :

SIR:—I have the honor to transmit herewith, a report of the Board of State Prison Directors. As there is but one copy, I respectfully request that the Assembly may be informed of its reception.

JOHN G. DOWNEY,  
President Board State Prison Directors.

Communication read, and on motion of Mr. Dickinson, referred to Committee on State Prison and Public Buildings, and Secretary directed to inform the Assembly of its reception.

SACRAMENTO, February 8th, 1861.

Hon. PABLO DE LA GUERRA,

President of the Senate :

SIR:—I have the honor to transmit herewith, the report of the Board of Commissioners, created by the provisions of An Act to provide for the settlement of all claims against the State of California, arising out of, or connected with, the contract made on the twenty-sixth of March, eighteen hundred and fifty-six, between the State and the late James M. Estill, for the lease of the State Prison and convict labor, and to procure the cancellation of said contract, and the surrender of the State Prison to the State, approved April twenty-first, eighteen hundred and sixty, and also, of An Act supplemental to, and amendatory thereof, approved April thirtieth, eighteen hundred and sixty.

As there is but one copy I respectfully request that the Assembly may be informed of its reception.

JOHN G. DOWNEY,  
President of the Board of Commissioners.

Received, and with accompanying documents, referred to Committee on State Prison and Public Buildings, and Secretary directed to inform the Assembly of its reception.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 9th, 1861. }

To Hon. PABLO DE LA GUERRA,

President of the Senate :

I have to inform your honorable body that I have approved Senate Bill, No. 39, An Act appropriating money for the pay of Copying done for the Legislature.

JOHN G. DOWNEY,  
 Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

SENATE CHAMBER,  
 February 8th, 1861. }

Mr. PRESIDENT :—The Assembly on January thirty-first, passed Assembly Bill, No. 17, An Act to amend an Act entitled An Act concerning Attorneys and Counselors-at-Law, approved April nineteenth, eighteen hundred and fifty-one ;

Also, on the seventh instant, Assembly Bill, No. 5, An Act relative to the Office of Superintendent of Common Schools in the County of San Mateo ;

Also, Assembly Bill, No. 24, An Act to amend an Act, approved May eighteenth, eighteen hundred and fifty-three, amendatory of, and supplementary to, the Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State ;

Also, Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the legal distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight ;

Also, Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five ;

Also, adopted an amendment to the Joint Rules, and ask the concurrence of the Senate ;

Also, have appointed Messrs. Tilden, Fargo, and Gordon, as a committee on the part of the House, upon Senate Concurrent Resolution, No. 13, relative to the report of the Surveyor General on the Boundary Survey.

J. W. SCOBAY,  
 Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 17—above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 5—above reported, was read first and second times, and referred to the Committee on Education.

Assembly Bill, No. 24—above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 50—above reported, was read first and second times, and referred to the Committee on Mileage.

Assembly amendment to the Joint Rules—above reported, was read and concurred in.

MESSAGE FROM THE ASSEMBLY.

The following message was also received from the Assembly :

## ASSEMBLY CHAMBER,

February, 9th, 1861. }

MR. PRESIDENT:—The Assembly, on the fifth instant, passed Assembly Bill, No. 90, An Act to authorize the Executrix and Executor of the Estate of F. P. Tracy, deceased, to sell and convey the Real Estate of said deceased at public or private sale;

Also, Assembly Bill, No. 72, An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming, the outstanding County Warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County;

Also, Assembly Bill, No. 71, An Act to make certain Offices in the County of Tuolumne salaried Offices;

Also, on the seventh instant, passed Assembly Bill, No. 91, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of Union Street, in said City and County;

Also, on the eighth instant, passed Assembly Bill, No. 106, An Act concerning the County Judge of Klamath;

Also, Assembly Bill, No. 16, An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, passed March thirteenth, eighteen hundred and sixty;

Also, adopted Assembly Concurrent Resolution, No. 31, Relative to Appropriations for certain Mail-Routes, and ask the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill, No. 90—above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 72—above reported, was read first and second times.

On motion of Mr. Williamson, the rules were further suspended, bill read a third time, and passed.

Assembly Bill, No. 71—above reported, was read first and second times, rules suspended, read a third time, and passed.

Assembly Bill, No. 91—above reported, was read first and second times, rules further suspended, read a third time, and passed.

Assembly Bill, No. 106—above reported, was read first and second times, and referred to the Senator from Del Norte, with special instructions to amend so as to include San Bernardino County.

Assembly Bill, No. 16—above reported, was read first and second times, and referred to the San Francisco Delegation.

Assembly Concurrent Resolution, No. 31—above reported, was read and concurred in.

## INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill without notice, for An Act to amend and allow a Claim of John F. McCauley against the State.

It was read first and second times, and referred to the Committee on Claims.

Mr. Clark, by leave, introduced a bill without notice, for An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento.

It was read first and second times, and referred to the Sacramento Delegation.

Mr. Merritt gave notice that he would, at an early day, introduce a bill for An Act regulating the interest on goods placed in Pawn, and defining the duties and liabilities of Pawnbrokers.

Mr. Harvey offered the following resolution :

*Resolved*, That C. D. Bonestel be allowed eight dollars per day as Assistant Minute Clerk of the Senate, from the commencement of the session, payable out of the fund set apart for the pay of officers of the Senate.

Mr. Leet moved to refer to the Committee on Contingent Expenses.

Lost.

The question recurring on the adoption of the resolution, was put and carried.

So the resolution was adopted.

Mr. Leet gave notice that he would, on Tuesday, move a reconsideration of the vote just had, by which the resolution was adopted.

#### SPECIAL ORDER.

The Union Resolutions, being the special order, were taken up, and on motion of Mr. DeLong, made the special order of the day for Tuesday next, at twelve o'clock, M.

Mr. Leet moved that when the Senate does adjourn, it adjourn to meet on Tuesday next, at eleven o'clock, A. M.

Agreed to.

On motion of Mr. Clark, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest : C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

HOUSE OF ASSEMBLY,  
Tuesday, February 12th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted to Messrs. Leet and Irwin for one day.

#### PETITIONS.

Mr. Phelps presented a petition from sundry citizens of San Francisco, praying for the passage of An Act now before the Senate, relative to the location of Slaughter-Houses, etc.

Referred to the San Francisco Delegation.

Mr. Clark presented a petition from sundry citizens of Sacramento, together with a bill in relation thereto, entitled An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and

County of Sacramento, approved April nineteenth, eighteen hundred and fifty-nine.

Bill read first and second times, and referred to the delegation from Sacramento.

Mr. Clark presented a petition from the Board of Supervisors of Sacramento County, together with a bill in relation thereto, entitled An Act concerning the Wagon Road Fund of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento and El Dorado delegations.

#### REPORTS.

Mr. Watkins, from the Committee on Claims, reported back Senate Bill, No. 95, An Act to provide for the Payment of services rendered in defending the case of T. F. W. Price vs. the Controller, Secretary of State, and State Treasurer, without recommendation.

On motion of Mr. Clark, permission was granted to Mr. Upton to withdraw the documents just reported by Mr. Watkins, from the Committee on Claims.

Mr. Denver made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined and found correctly enrolled, Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five;

Also, Senate Substitute, No. 51, for Assembly Bill, No. 4, An Act to extend the time for the collection of State and County Taxes in the County of Butte—and at one o'clock, P. M. on Saturday, February ninth, eighteen hundred and sixty-one, delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

Mr. Dickinson made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate, and find due C. W. Tozer, Secretary of the Senate, up to date, four hundred and seventeen dollars and sixty-five cents.

W. B. DICKINSON,  
For Committee.

Rules suspended and report adopted.

Mr. Haynes made the following report:

Mr. PRESIDENT:—Your Committee on Contingent Expenses, to whom was referred the accounts of Z. L. Garwood, for rent of Committee Room for two months, beginning January first, eighteen hundred and sixty-one, and amounting to the sum of fifty dollars, report that they have examined the same, and recommend that it be allowed, provided rent shall be allowed from the tenth of January, eighteen hundred and sixty-one.

J. P. HAYNES,  
Chairman.

Rules suspended and report adopted.

Mr. Clark, from the Sacramento Delegation, to whom was referred Senate Bill, No. 98, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-ninth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento—reported the same back verbally, recommending its passage.

On motion of Mr. Clark, the rules were suspended, bill considered engrossed, read a third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 12th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body, that I have approved Senate Bill, No. 51, An Act to extend the time for the collection of State and County Taxes in the County of Butte.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February, 12th, 1861. }

Mr. PRESIDENT :—The House, on January thirty-first, passed Assembly Concurrent Resolution, No. 23, Relative to donation of Lands by Congress for Roads, etc. in this State—and request the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Concurrent Resolution, No. 23, above reported, was read.

Mr. Rhodes moved to amend by inserting after the word "highway," in the seventh line, the words "or Railroad is or."

Carried, and resolution concurred in as amended.

#### INTRODUCTION OF BILLS.

Mr. Ryan, by leave, introduced a bill without notice, for An Act relating to the Sureties of C. F. Lynn, late Treasurer of Trinity County.

Read first and second times, and referred to the Judiciary Committee.

Mr. Clark, by leave, introduced a bill without notice, for An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

Mr. Logan, by leave, introduced a bill without notice, for An Act to amend an Act passed April twenty-sixth, eighteen hundred and fifty-eight, to provide for the sale of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School purposes, by Act of Congress passed March third, eighteen hundred and fifty-three.

Read first and second times, and referred to the Committee on Education.

Mr. Ryan gave notice that he would, at an early day, introduce a bill authorizing the Governor to order an election of Delegates to represent the State of California in a Convention of all the States that may be called by the joint action of the States, or by the action of Congress, to take into consideration the present unfortunate condition of National affairs, and devise a plan by which the preservation of the Union may be insured, provided such Convention may be called.

On motion of Mr. Vance, Senate Bill; No. 18, An Act to provide a Commission, to co-operate with one appointed on behalf of the United States,



to ascertain and mark a portion of the Eastern Boundary Line of this State—was taken up and made the special order for to-morrow, at half past eleven o'clock, A. M.

#### GENERAL FILE.

Senate Bill, No. 37, An Act to fix the Compensation of the District Attorney of Napa County—was read a third time and passed.

Senate Bill, No. 57, An Act to appropriate Money for the payment of the Salary of the additional Clerk in the State Land Office—was read a third time and passed.

Senate Bill, No. 77, An Act to change the name of Andreas Christian Michelson, to William Smith—was ordered to be engrossed, and read a third time.

Senate Bill No. 25, An Act in relation to Auctioneers—was taken up.

Mr. Merritt moved to re-refer to the Finance Committee, with instructions to report as soon as practicable.

Here the President announced the special order of the day, the Union Resolutions.

Mr. Phelps rose to a point of order: That the General File was now being considered, and that under Rule Forty-Seven, the General File takes precedent of all special orders.

The President stated that although the rule alluded to, read as claimed by Mr. Phelps, still as it was a contradiction of, and conflicted with the right of the Senate to take up special orders without suspending the rules, and as it had been the universal custom of the Senate to give precedence to the special orders in order to test the sense of the Senate, and have the matter settled permanently, he would rule the point of order not well taken.

Mr. Phelps appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the judgment of the Senate?" was put and lost.

So the ruling was not sustained.

Mr. DeLong in the Chair.

The question recurring on the motion of Mr. Merritt, to refer to the Finance Committee, was put and carried.

So the bill was re-referred to the Finance Committee.

On motion of Mr. Ryan, the rules were suspended, and the special order, the Union Resolutions, taken up, and made the special order for to-morrow at one o'clock, P. M.

On motion of Mr. Gallagher, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,

Wednesday, February 13th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

11SEN

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Haynes, to whom was referred Assembly Bill, No. 106, An Act concerning the County Judge of Klamath, reported the same back, verbally, without amendment, and recommended its passage.

Report accepted and bill placed on file.

#### INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill without notice, an act entitled An Act concerning Roads and Highways in the County of Yuba.

Read first and second times, and referred to the Yuba Delegation.

Mr. Hill, by leave, introduced a bill without notice, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same, approved May third eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Education.

#### RESOLUTIONS.

Mr. Williamson offered the following resolution, which was adopted:

*Resolved*, That the resolution heretofore adopted by the Senate, authorizing the Enrolling Committee to appoint a Clerk, be, and the same is hereby rescinded.

Mr. Hill offered the following resolution:

*Resolved*, That the Committee of the State Prison and Public Buildings have, and are hereby allowed, leave of absence to visit the State Prison at such time as they may select; and that said committee be allowed a Clerk, to be paid out of the Contingent Fund of the Senate; and that they be authorized to send for persons and papers, and to administer oaths.

Mr. Vance moved to amend, by striking out all relating to a Clerk. Carried.

Resolution adopted as amended.

Mr. Logan offered the following resolution:

*Resolved*, That we heartily indorse the plan of settlement for existing differences in the Atlantic States, as proposed by the Hon. John J. Crittenden, in the Senate of the United States, January third, eighteen hundred and sixty-one; and that we approve and commend the patriotism and wisdom of the Hon. Stephen A. Douglas and the Hon. John C. Breckinridge, manifested by them in their indorsement of the same, and in their condemning the use of military force to coerce the Southern people—recommending conciliation and concession, rather than war, and compromise rather than disunion.

Mr. Logan moved for the previous question on the resolution.

The motion was not sustained.

Mr. Shafter moved for a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for absentees—Messrs. Crittenden, Phelps, and Watson.

On motion of Mr. Edgerton, further proceedings under the call were dispensed with.

Mr. Logan moved to make the resolution the special order for to-morrow, at twelve o'clock, M.

Mr. De Long moved to amend, by ordering printed.

Lost.

Question on making special order, was then put and carried.

Mr. Watkins in the chair.

#### SPECIAL ORDERS.

The special order of the day, Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States, to ascertain and mark a portion of the Eastern Boundary Line of this State—was taken up, and together with a substitute heretofore offered by Mr. Parks, considered in Committee of the Whole, substitute adopted and amended.

#### IN SENATE.

Substitute reported back as amended, and amendments concurred in.

Mr. Parks moved to amend, by inserting in the eighth section, ninth line, after the word "Examiners," the words "quarterly or."

Carried.

On motion of Mr. Rhodes, the Secretary was directed to add a section providing for the bill to take effect from and after its passage.

The bill was then ordered to be engrossed, and read a third time.

The Union Resolutions, being the next special order, were taken up, and after debate, on motion of Mr. Thornton, made the special order for to-morrow, at twelve o'clock, M.

On motion of Mr. Harvey, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, February 14th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Petitions were presented as follows :

Mr. Phelps presented a petition from sundry citizens of San Francisco, remonstrating against the passage of an act, now before the Senate, in relation to the location of slaughter-houses, etc.

Received, and referred to the San Francisco Delegation.

Mr. Phelps also presented a petition, together with a bill in relation thereto, entitled An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two.

Bill read first and second times, and with the petition, referred to the Committee on Agriculture.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 14th, 1861. }

Mr. PRESIDENT :—On the thirty-first of January, the House adopted Assembly Concurrent Resolution, No. 4, Relative to the Establishment of a Semi-Weekly Mail, from San Luis Obispo to Visalia—and ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant, Clerk.

Assembly Concurrent Resolution, No. 4, was read and concurred in.

ASSEMBLY CHAMBER,  
February 13th, 1861. }

Mr. PRESIDENT :—The House, on yesterday, passed Assembly Bill, No. 45, An Act to provide for the collection of Delinquent Taxes in the County of Nevada;

Also, Senate Bill, No. 58, an Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss Bridge, on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty;

Also, Senate Bill, No. 74, An Act to amend An Act creating a Board of Commissioners, and the Office of Overseer in each Township, in the several Counties of this State, to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several Acts amendatory thereto, with an amendment, in which the concurrence of the Senate is requested;

Also, Senate Bill, No. 46, An Act to ratify and approve Ordinance No. 96, of the Board of Supervisors of the City and County of Sacramento, approved May twenty-ninth, eighteen hundred and sixty.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 45, above reported—was read first and second times, and referred to the Delegation from Nevada.

Senate Bill, No. 74, above reported with an amendment—was taken up, and amendment concurred in.

#### INTRODUCTION OF BILLS.

Mr. Vance, by leave, introduced a bill without notice, An Act to grant the right of way to construct a Toll-Bridge across Feather River, near Oroville, in Butte County.

Read first and second times, and referred to the Committee on Roads and Highways.

Mr. Ryan, by leave, introduced a bill without notice, An Act amendatory of an Act entitled An Act for the relief of purchasers of Lands from the State of California.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Watt, by leave, introduced a bill without notice, An Act to appropriate Money to pay J. W. Lockwood.

Read first and second times, and referred to the Committee on Claims.

Mr. Thornton, by leave, introduced a bill without notice, An Act to authorize the Administrator of the Estate of H. Meredith, deceased, to sell Real Estate at public or private sale.

Read first and second times, rules further suspended, bill considered engrossed, read a third time and passed.

Mr. Hill, by leave, introduced a bill without notice, An Act to amend an Act entitled An Act to provide for the incorporating of Railroad Companies, passed April twenty-second, eighteen hundred and fifty-three.

Read first and second times, and referred to the Committee on Roads and Highways.

#### REPORTS.

Mr. Edgerton, by leave, made the following report :

MR. PRESIDENT :—Your Committee on Swamp Lands, to whom was referred Senate Bill, No. 11, An Act for the segregation, reclamation, and disposal, of the Swamp and Overflowed Lands belonging to this State—have had the same under consideration, and beg leave to report it back with amendments, and recommend its passage as amended.

EDGERTON,

Chairman.

Amend section two, by adding the following :

Sec. 37. This act shall take effect from and after its passage.

Report accepted, and with bill, placed on file.

Mr. Thomas, by leave, introduced a bill without notice, An Act to amend an Act entitled An Act to amend an Act entitled An Act to amend an Act to regulate proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Placer Delegation.

Mr. Sharp, by leave, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration, and report as follows :

Assembly Bill, No. 90, entitled An Act to authorize the Executrix and Executor of the Estate of Frederick P. Tracy, deceased, to sell the Real Estate of said deceased at public or private sale—and recommend its passage ;

Also, Assembly Bill, No. 79, entitled An Act to amend an Act entitled An Act relating to the Thirteenth Judicial District ; and to define the time of holding the Courts in said District, approved January thirteenth, eighteen hundred and sixty—and recommend its passage ;

Also, Senate Bill, No. 72, entitled An Act to amend An Act to regulate proceedings in Civil Cases, in the Courts of Justice of this State. passed April twenty-ninth, eighteen hundred and fifty-one, and other acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—and recommend its passage.

Your committee have also had under consideration, Senate Bill, No. 38, entitled An Act in amendment of An Act to regulate proceedings in Criminal Cases, approved May first, eighteen hundred and fifty-one—referred to them with special instructions, and in accordance therewith, report the same back with the following amendments :

First—Strike out all after the enacting clause, and insert words as follows :

**SECTION 1.** Section three hundred and seventy-six—of An Act to regulate proceedings in Criminal Cases, approved May first, eighteen hundred and fifty one, is amended so as to read as follows :

Section 376. Upon trial, for having with intent to cheat or defraud another designedly, by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person, or persons, any money, personal property, or valuable thing, no evidence shall be admitted of a false pretense expressed in language, and unaccompanied by a false token or writing, unless the pretense, or some note, or memorandum thereof, be in writing, either subscribed by, or in the handwriting of, the defendant, or unless the false pretense be proved by the testimony of two witnesses, or by the testimony of one disinterested witness, and corroborating circumstances.

**SEC. 2.** This act shall take effect and be in full force from and after its passage—

And recommend the passage of the same as amended.

SHARP,  
Chairman.

Report accepted, and with bills, placed on file.

Mr. Ryan offered a Concurrent Resolution, Granting leave of absence to W. C. Kibbe, Quartermaster-General.

Mr. Phelps moved to lay on the table.

Lost.

Mr. Phelps then moved to make it the special order for Wednesday next, at twelve o'clock, M.

Carried.

#### COMMUNICATION FROM THE SERGEANT-AT-ARMS.

The following communication was received from the Sergeant-at-Arms:

February, 13th, 1861.

*To the Senate of California :*

I have been informed by the Postmaster, Mr. J. R. Hardenburgh, that he has received instructions from the Special Agent of the Post-Office Department to allow no newspapers to pass through his office with the name of individuals other than those to whom they may be directed on the outside of the wrapper, under the penalty of being charged letter postage.

W. F. WILLIAMSON,  
Sergeant-at-Arms.

The hour of twelve o'clock having arrived, the General File, under rule forty-seven, was taken up.

Mr. Dickinson moved to suspend proceedings on the General File, and take up the special order.

Agreed to.

#### SPECIAL ORDERS.

The first special order being the resolution offered on yesterday by Mr. Logan, was taken up.

Mr. De la Guerra moved to lay on the table.

Upon which, the ayes and noes were demanded by Messrs. Leet, Vance, and Warmcastle, and taken with the following result: Ayes, 20—noes, 9:

**AYES**—Messrs. Burbank, Chase, Clark, DeLong, De la Guerra, Dickinson, Eagan, Edgerton, Gallagher, Harvey, Hill, Irwin, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Thomas, and Thornton—20.

NOES—Messrs. Crittenden, Denver, Franklin, Haynes, Leet, Logan, Warmcastle, Watt, and Vance—9.

So the resolution was laid on the table.

The next special order being the Union Resolutions, heretofore argued before the Senate, were taken up.

On motion of Mr. Harvey, made the special order for to-morrow at twelve o'clock, M.

On motion of Mr. Gallagher, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, February 15th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Hill presented the petition of sundry citizens of the City of Sonoma praying for a repeal of their Charter.

Referred to the Senator from Sonoma.

Mr. Haynes presented the account of Z. L. Garwood for rent of Committee room.

Referred to the Committee on Contingent Expenses.

## REPORTS.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State;

Also, Senate Bill, No. 77, An Act to change the name of Andreas Christian Michelsen to William Smith—and report the same correctly engrossed.

MERRITT,

Report received and adopted.

Committee.

Mr. Eagan made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Assembly Bill, No. 5—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

The committee have also considered Senate Bill, No. 106, entitled An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same—and recommend its passage without amendment.

EAGAN,

Chairman.

Report received, and with bills, placed on file.

On motion of Mr. Hill, the rules were suspended, and Senate Bill, No. 106, above reported—was taken from the file, and considered, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration and report as follows :

Senate Bill, No. 23, entitled An Act to amend an Act entitled An Act to regulate the proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, A. D. eighteen hundred and fifty-one, and other Acts amendatory thereof—and report the following amendment :

Amend by adding—

“SEC. 3. Any defendant against whom a judgment has been rendered for the possession of real or personal property, as heretofore mentioned in this act, or against whom an action is pending for the recovery of the personal property which shall have been delivered to the plaintiff upon an undertaking in such action, or any person claiming under either of such defendants, who shall have title to, taken or entered into the possession of such real or personal property, he or they shall be subject to all the liabilities of this act, if they shall neglect to surrender and deliver the possession of said property to the plaintiff in such action, or judgment, or his successor in interest, after ten days demand once made for such possession in writing signed by such plaintiff, his successor in interest, his or their agent, or attorney,” and recommend its passage as amended ;

Also, Senate Bill, No. 81, entitled An Act to amend an Act entitled An Act concerning Official Bonds—and report the same back and recommend that it be indefinitely postponed ;

Also, Senate Bill, No. 84, entitled An Act to authorize the Administrators of the estates of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes—report the same back with the following amendment :

Amend by adding after the last word in section one the following—

“*Provided*, however, that the moneys belonging to the estate of Nicholas Swan, deceased, be applied to procure the manumission from slavery of the children of said deceased, and the moneys belonging to the estate of Zachariah Simpson, deceased, be applied to procure the manumission from slavery of the children of said deceased” and recommend its passage as amended.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

The following report was received from the Sacramento Delegation :

MR. PRESIDENT:—The Sacramento Delegation, to whom was referred Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned—have had the same under consideration and report the bill back, and recommend that all after the enacting clause be stricken out, and the following substitute in lieu thereof, and that when so amended the bill do pass.

CLARK,  
HEACOCK.

Report received, when, on motion of Mr. Clark, the rules were sus-



pendent, and the bill considered in Committee of the Whole, and substitute proposed by the committee adopted.

IN SENATE.

Reported back, amendments adopted in Committee of the Whole concurred in, rules further suspended, bill considered engrossed, read a third time and passed.

Mr. Rhodes made the following report :

Mr. PRESIDENT :—The Santa Clara Delegation, to whom was referred Senate Bill, No. 91, entitled An Act to authorize Caius T. Ryland to sell certain Real Estate of his Infant Children—has had the same under consideration, and submits the following report :

The said bill is herewith returned with the annexed amendments, and it is recommended that the same when so amended be passed.

Amend section one by inserting after the word "Court" in line fourth of said section the words "or the Probate Judge;"

Also, by inserting after the word "Court" in line seventh of said section the words "or Judge."

A. L. RHODES.

Report received, when, on motion of Mr. Rhodes, the rules were suspended, and bill considered in the Committee of the Whole, and amendments proposed by the committee adopted.

IN SENATE.

Reported back with amendments, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Hill made the following report :

The committee to whom was referred the report of the State Prison Directors, report the same back, and recommend the usual number of copies be printed.

HILL.

Report received and adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 15th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

JOHN G. DOWNEY,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February, 15th, 1861. }

Mr. PRESIDENT :—The House on yesterday concurred in Senate amendment to Assembly Concurrent Resolution, No. 23, Relative to donation of Land by Congress for Roads, etc. in this State.

J. W. SCOBEE,  
Assistant Clerk.

## INTRODUCTION OF BILLS.

Mr. Watson, by leave, introduced a bill without notice, for An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas Pipes in the City and County of San Francisco.

Read first and first and second times, and referred to the San Francisco Delegation.

Mr. Phelps, by leave, introduced a bill without notice, for An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, A. D. eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco and San Mateo delegations.

Mr. Williamson, by leave, introduced a bill without notice, for An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Public Morals.

Mr. Leet moved to take from the table the resolution known as the Crittenden Resolution, which was laid on the table yesterday.

Carried.

Mr. Ryan moved to make the resolution the special order of the day for twelve o'clock, M. to be considered in connection with the Union Resolutions.

After debate, the hour of twelve having arrived, under Rule Forty-Seven, the General File was called for, and taken up.

Mr. Leet moved to postpone the consideration of the file for the day.

Upon which, the ayes and noes were demanded by Messrs. Vance, Harvey, and Edgerton, and taken with the following result: Ayes, 30—noes, 1:

**AYES**—Messrs. Burbank, Chase, Crittenden, Denver, Dickinson, Egan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, and Williamson—30.

**NOES**—Mr. Irwin—1.

So the motion prevailed, and the consideration of the file was postponed for the day.

Mr. Ryan called for the special order, the Union Resolutions.

Mr. Merritt in the Chair.

The Chair ruled that the hour of twelve having passed, the special order was passed, and could only be taken up by motion and a suspension of the rules, and announced the next order of business to be motions, resolutions, and notices.

Mr. Ryan appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, was put and lost.

So the ruling was not sustained.

## SPECIAL ORDER.

The special order, the Union Resolutions were taken up.

Mr. Leet moved to make them the special order of the day for to-morrow at one o'clock, P. M.

Mr. Ryan moved to amend by inserting twelve o'clock, M.

Lost.

Question recurring on the motion of Mr. Leet, was put.

Carried.

Mr. Leet moved to make the Crittenden Resolutions, so called, the special order for to-morrow at fifteen minutes past eleven o'clock, A. M.

Mr. Ryan moved a call of the Senate.

Lost.

Mr. Burbank moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Leet, and Logan, and taken with the following result: Ayes, 13—noes, 14:

**AYES**—Messrs. Burbank, Clark, Edgerton, Harvey, Heacock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, and Watt—13.

**NOES**—Messrs. Crittenden, Denver, Dickinson, Eagan, Franklin, Haynes, Leet, Logan, Merritt, Parks, Vance, Watkins, Watson, and Williamson—14.

So the Senate refused to adjourn.

The question recurring on the motion of Mr. Leet, the ayes and noes were demanded by Messrs. Merritt, Edgerton, and Ryan, and taken with the following result: Ayes, 15—noes, 12:

**AYES**—Messrs. Crittenden, Denver, Dickinson, Eagan, Franklin, Haynes, Leet, Logan, Merritt, Parks, Ryan, Vance, Watkins, Watson, and Williamson—15.

**NOES**—Messrs. Burbank, Clark, Edgerton, Harvey, Heacock, Hill, Irwin, Phelps, Rhodes, Shafter, Sharp, and Watt—12.

So the resolution was made the special order for to-morrow at fifteen minutes past eleven o'clock, A. M.

On motion of Mr. Merritt the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 16th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Irwin, indefinite leave of absence was granted to Mr. Vance.

### SPECIAL ORDER.

Resolution relative to the Crittenden Resolutions for settling the present existing difficulties introduced by him into the United States Senate.

Mr. Ryan moved to amend by striking out all after the figures "eighteen hundred and sixty-one" in the sixth line.

Pending which, Mr. Clark moved to amend the amendment of Mr. Ryan, by striking out all after the word "commend," and insert the following: "The position of all those who insist upon a peaceful adjustment by compromise of pending difficulties with the South."

Accepted.

Mr. Merritt offered the following substitute for the whole subject matter:

*Resolved*, That we hereby indorse the plan of settlement for existing differences in the Atlantic States as proposed by Senator John J. Crittenden in the Senate of the United States, January third, eighteen hundred and sixty-one, and that we condemn the use of military force to coerce the Southern people, and recommend conciliation and concession rather than war, and compromise rather than disunion.

Accepted.

Mr. DeLong moved to strike out all after the figures "eighteen hundred and sixty-one" in the sixth line.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Edgerton, and Eagan, and taken with the following vote: Ayes, 15—noes, 15:

AYES—Messrs. Burbank, Chase, Clark, DeLong, Gallagher, Harvey, Haynes, Heacock, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, and Watt—15.

NOES—Messrs. Crittenden, Denver, Dickinson, Eagan, Franklin, Leet, Logan, Merritt, Parks, Thornton, Warmcastle, Watkins, Watson, Williamson, and Mr. President—15.

Messrs. Edgerton, Irwin, Pico, and Vance, paired off.

So the motion to amend was lost.

Mr. Clark moved to further amend by striking out the words "and that we condemn the use of military force to coerce the Southern people."

Mr. Edgerton moved a call of the Senate.

Upon which, the ayes and noes were demanded by Messrs. Gallagher, Leet, and Edgerton, and taken with the following result: Ayes, 17—noes, 15:

AYES—Messrs. Burbank, Chase, Clark, DeLong, Edgerton, Gallagher, Harvey, Haynes, Heacock, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, and Watt—17.

NOES—Messrs. Crittenden, Denver, Dickinson, Eagan, Franklin, Leet, Logan, Merritt, Parks, Thornton, Warmcastle, Watkins, Watson, Williamson, and Mr. President—15.

So the motion was carried.

Roll called.

Absent—Messrs. Hill, Pico, Vance, and Watt.

Mr. DeLong in the Chair.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Merritt moved that the Senate do now adjourn.

Mr. Clark rose to a point of order, that a motion to adjourn was not in order pending a call of the Senate.

The Chair decided the point of order well taken.

Mr. Merritt appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the decision of the Senate.

Lost.

So the Chair was not sustained.

The question recurring on the motion of Mr. Merritt to adjourn.

Carried.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,

Monday, February 18th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. DeLong presented a petition from citizens of Yuba County praying that the Fifty-Eighth Section of the Revenue Act be amended so as to exclude the Tax on Excise.

### REPORTS.

Reports were made as follows :

Mr. Ryan made the following report from the Committee on Commerce and Navigation :

MR. PRESIDENT :—Your Committee on Commerce and Navigation, to whom were referred Senate Bill, No. 43, entitled An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named—have had the same under consideration, and report the bill back with the recommendation that the same be referred to the delegation from Mendocino.

JAS. T. RYAN,

Chairman.

Report adopted.

Mr. Denver made the following report from the Committee on Enrolled Bills :

MR. PRESIDENT :—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 46, An Act to ratify and approve Ordinance No. 96 of the Board of Supervisors of the City and County of Sacramento, approved May twenty-seventh, eighteen hundred and sixty, and at three o'clock P. M. on the fifteenth day of January, eighteen hundred and sixty-one, delivered the same to the Governor for his approval.

A. ST. C. DENVER,

Chairman.

Report accepted.

Mr. Clark made a verbal report on Senate Bill, No. 83, An Act making an appropriation for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—recommending its passage without amendment.

On motion of Mr. Clark, the rules were suspended, bill just reported taken up, rules further suspended, bill considered engrossed, read a third time, and passed.

The forty-fifth rule was suspended, and bill sent to the Assembly.

Mr. Gallagher made the following report :

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate, and find due the Secretary of the Senate as follows :

Purpose.	Folios.	Per Folio.	Amount.
Journal and Appendix.....	1,238	15 cts.	\$185 70
For Printer .....	2,886	10 cts.	288 60
Totals.....	4,124	.....	474 30

P. A. GALLAGHER.

On motion of Mr. Dickinson, the rules were suspended and the report just read taken up, and adopted.

Also, the following from the same :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 106, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty—and report the same correctly engrossed.

P. A. GALLAGHER,  
Of the Engrossing Committee.

Report accepted,

Mr. Phelps made the following report :

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Senate Bill, No. 113, An Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco—have had the same under consideration, and recommend its passage with the following amendments.

Amend as follows :

Sec. 2. Section four of said act is hereby amended as follows :

Sec. 4. Any person in the city of San Francisco selling, or offering for sale, any wines or liquors in casks or cases, except such as are manufactured in this State, without the Inspector's mark thereon, shall be liable for each offense to a fine not less than one hundred dollars, nor more than five hundred dollars.

Amend so as to make section two, section three.

PHELPS,  
Chairman.

Report received, and with bill, placed on file.

Mr. Haynes made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred the account of Z. L. Garwood, for rent of Committee Room, (No. 5,) for one month, beginning February first, eighteen hundred and sixty-one, amounting to the sum of twenty-five dollars, report they have examined the same and recommend its payment out of the Contingent Fund.

J. P. HAYNES,  
Chairman.

February 16th, 1861.

On motion of Mr. Haynes, the report just read was taken up, and adopted.

Mr. Phelps made the following report :

Mr. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight—have had the same under consideration, and report the bill back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Amend by filling the blanks by the word "five."

PHELPS,  
For the Delegation.

Report accepted, and with bill, placed on file.

Mr. DeLong made the following report :

Mr. PRESIDENT :—The Yuba Delegation, to whom was referred Senate Bill, No. 82, entitled An Act authorizing the Mayor and Common Council of the City of Marysville to provide certain Moneys for the benefit of the Agricultural, Horticultural, and Mechanic's Society of the Northern District of California—have had the same under consideration and report the same back with a substitute, and recommend the passage of the substitute.

C. E. DELONG,  
Chairman.

On motion of Mr. DeLong, the rules were suspended, and the bill just reported was taken up, substitute reported adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

Forty-fifth rule suspended and bill sent to Assembly.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
Sacramento, February 16th, 1861. }

To the Honorable the Senators of California :

I herewith transmit to your honorable body a list of claims which have been passed upon by the Board of Examiners, together with the papers and decisions of the Board in each case :

Number of Claim.	Claimed.	Allowed.
Claim No. 197, Sacramento Valley Railroad Company	\$240 00	\$200 00
Claim No. 198, Charles W. Tozer.....	5,450 00	5,450 00
Claim No. 200, I. N. Quinn.....	1,480 00	1,480 00
Claim No. 202, James R. Hardenbergh.....	152 20	152 20
Claim No. 203, I. & S. Wormser.....	181 40	181 40
Claim No. 205, I. & S. Wormser.....	9 00	9 00
Claim No. 207, Thos. Sunderland.....	500 00	500 00
Totals.....	\$8,012 60	\$7,972 60

JGHN G. DOWNEY,  
President of Board of Examiners.

The message, with accompanying documents, was referred to the Committee on Claims.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

ASSEMBLY CHAMBER,  
February 16th, 1861. }

Mr. PRESIDENT:—The House on yesterday passed Assembly Bill, No. 55, An Act for the relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento.

J. W. SCOBEEY,  
Assistant Clerk.

The bill just reported was taken up, read first and second times, and referred to the Sacramento Delegation.

ASSEMBLY CHAMBER,  
February 16th, 1861. }

Mr. PRESIDENT:—The Assembly on the sixteenth instant, passed Senate Bill, No. 110, An Act to authorize the Administrator of the Estate of H. Meredith, deceased, to sell at public or private sale.

J. W. SCOBEEY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 15th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly has passed Senate Bill, No. 32, An Act to pay for Volumes Fourteen and Fifteen of the Reports of the Supreme Court of the State of California.

J. M. ANDERSON,  
Clerk of Assembly.

ASSEMBLY CHAMBER,  
February 16th, 1861. }

Mr. PRESIDENT:—The House on yesterday passed Assembly Bill, No. 99, An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas;

Also, Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty, with amendments—in which they ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 99, above reported—was taken up, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty—was taken up, and the Assembly amendments concurred in.

#### INTRODUCTION OF BILLS.

Mr. Sharp introduced a bill for An Act to ascertain and correct the errors and defects of the Statute Laws of this State.

Read first and second times, and referred to the Judiciary Committee.

Mr. Ryan, by leave, introduced a bill for An Act to provide for the measurement and inspection of Lumber and Shingles for the City and County of San Francisco.



Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Burbank, by leave, introduced a bill for An Act in addition to an Act entitled An Act for the relief of Insolvent Debtors and protection of Creditors, passed May fourth, eighteen hundred and fifty-two, and amendatory thereof.

Read first and second times, ordered printed, and referred to the Judiciary Committee.

Mr. Merritt, pursuant to notice, introduced a bill for An Act to regulate Pawnbrokers in this State and to define their liabilities.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hill, by leave, introduced a bill for An Act to pay the Fees of Attorneys on the part of the State in certain cases.

Read first and second times, and referred to the Judiciary Committee.

Mr. Warmcastle, by leave, introduced a bill for An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Sharp, by leave, introduced a bill for An Act to reimburse to Mary B. Russell certain Moneys expended by the Sisters of Mercy for the burial of the Dead.

Read first and second times, and referred to the Committee on Claims.

Mr. Heacock offered the following resolution :

*Resolved*, That the Sacramento and El Dorado delegations, to whom was referred Senate Bill, No. 103, Relative to the Wagon Road Fund of the City and County of Sacramento be authorized to send for witnesses and papers, provided no cost shall accrue to the State of California.

Adopted.

Mr. Williamson offered the following resolution :

*Resolved*, That Bennett Steinman be, and he is hereby, appointed Assistant Paper-Folder, at the same per diem as the Pages, payable out of the Contingent Fund of the Senate.

Mr. Logan moved to strike out Bennett Steinman, and insert William Dennis.

Lost.

Mr. Gallagher moved that the present Paper-Folder have the appointing power.

Lost.

Mr. Heacock moved to strike out Steinman, and insert William Tolles.

Lost.

Mr. Merritt offered the following as a substitute :

*Resolved*, That the Paper-Folder of the Senate be allowed to employ an Assistant at a per diem not exceeding the amount paid the Pages of the Senate, to be paid out of the Contingent Fund of the Senate.

Pending which, the hour having arrived for the special order of the day.

#### GENERAL FILE.

Senate Bill, No. 77, An Act to change the name of Andreas Christain Michelson to William Smith—was taken up, read a third time, and passed.

Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State—was taken up, and re-

committed to a special committee with the following special instructions: Insert after the twenty-third line, section first, the words, "on such line as may be hereafter prescribed by an act of Congress extending the boundaries of this State."

The Special Committee, to whom was referred Senate Bill, No. 18, above referred to—reported the same back, rules suspended, amendments adopted, bill read a third time, and passed.

Assembly Bill, No. 81, An Act to legalize the survey of the City of Petaluma—was taken up, read a third time, and passed.

Senate bill, No. 89, An Act prescribing Rules for the State Library—was taken up, and made the special order for Thursday, February twentieth, at twelve o'clock, m.

Senate Bill, No. 71, An Act for the relief of John T. Carey, Treasurer of Klamath County—was taken up, considered engrossed, read a third time, and passed.

Claim of J. W. Lockwood—was, on motion of Mr. Watt, laid on the table.

Assembly Bill, No. 106, An Act concerning the County Judge of Klamath County—was taken up, and recommitted to the Senator from Del Norte, with the following special instructions:

Amend so as to repeal so much of the statute relative to County Judges as require them to reside at the county seat, and also, as allows the County Auditors to withhold their warrants for their salaries, unless they reside at the County Seat.

Mr. Denver made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 32, An Act to pay for Volumes Fourteen and Fifteen of the Reports of the Supreme Court of the State of California;

Also, Senate Bill, No. 58, An Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss Bridge on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty;

Also, Senate Bill, No. 74, An Act to amend An Act creating a Board of Commissioners, and the Office of Overseer in each Township in the several Counties of this State to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several Acts amendatory thereto—and at eleven o'clock and forty minutes on this day delivered the same to the Governor for his approval.

A. ST. C. DENVER,

Chairman.

February 18th, 1861.

Report accepted.

Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal of the Swamp and Overflowed Lands belonging to this State—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in.

Mr. Parks moved to have the usual number of copies of the bill printed as amended.

Mr. Sharp moved a call of the Senate.

Lost.

The question recurring on the motion of Mr. Parks to have the bill printed—it was carried.

Mr. Watkins moved that the Senate do now adjourn.

Lost.

On motion of Mr. Phelps, the bill was made the special order for Thursday at half past twelve o'clock, P. M.

On motion of Mr. DeLong, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, February 19th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

### PETITIONS.

Mr. Rhodes presented a petition from sundry Citizens of Santa Clara and Alameda Counties, praying that a portion of the County of Alameda may be added to the County of Santa Clara.

Read, and referred to the Delegation from Santa Clara.

On motion of Mr. Ryan, leave of absence was granted Mr. Chase for one day.

### REPORTS.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate Bill, No. 91, An Act to authorize Caius T. Ryland to sell certain Real Estate of his Infant Children ;

Also, Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento, herein mentioned—and report the same correctly engrossed.

MERRITT,

Chairman.

Report received, and bills placed on file.

Mr. Logan made the following report :

Mr. PRESIDENT :—Your committee, to whom was referred Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the Legal distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight—have had the same under consideration, and report the same back and recommend its passage.

LOGAN,

Chairman.

Report received, and with bill, placed on file.

The Sacramento Delegation made the following report :

MR. PRESIDENT :—The Sacramento Delegation, to whom was referred Senate Bill, No. 104, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento—have had the same under consideration and report it back. They recommend that all of said bill after the enacting clause be stricken out, and in lieu thereof, the substitute hereby reported by them be adopted in its stead.

CLARK,  
HEACOCK.

Report received, rules suspended, and bill considered in Committee of the Whole—substitute reported by the committee, amended and adopted.

#### IN SENATE.

Reported back, and amendments adopted in Committee of the Whole, concurred in.

Mr. Edgerton moved that the bill be ordered printed, and made the special order for Saturday next, at twelve o'clock, M.

A division of the question being called for, and the question first being on printing, the ayes and noes were demanded by Messrs. Dickinson, Leet, and Gallagher, and taken with the following result : Ayes, 14—noes, 14 :

AYES—Messrs. Clark, Crittenden, De Long, Edgerton, Gallagher, Haynes, Hill, Irwin, Rhodes, Ryan, Sharp, Thomas, Watkins, and Watt—14.

NOES—Messrs. Denver, Dickinson, Franklin, Harvey, Heacock, Leet, Logan, Merritt, Parks, Phelps, Pico, Shafter, Thornton, and Warmcastle—14.

So the Senate refused to order the bill printed.

Question being on making the bill the special order for Saturday next.

Mr. Leet moved to amend, by making it the special order for tomorrow, at twelve o'clock, M.

Lost.

The question recurring on the motion to make special order for Saturday next, was put and carried.

Mr. Hill, to whom was referred the petition of Citizens of the City of Sonoma, praying for a repeal of their City Charter, reported a bill in relation thereto, entitled An Act to repeal the Charter of the City of Sonoma.

Read first and second times, rules further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Phelps, the rules were further suspended, and the Secretary directed to report the bill to the Assembly forthwith.

#### REPORTS.

Mr. Sharp, by leave, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration, and report as follows :

Senate Bill, No. 101, entitled An Act relating to the sureties of C. F. Lynn, late Treasurer of Trinity County—report the same back with the following amendments :

Amend section one, line nine, by striking out the word "payment," and insert in lieu thereof, the word "judgment"—and recommend its passage as amended;

Also, Senate Bill, No. 61, entitled An Act concerning Offices—and recommend its passage;

Also, Assembly Bill, No 17, entitled An Act to amend an Act entitled An Act concerning Attorneys and Counselors-at-Law, passed February nineteenth, eighteen hundred and fifty-one—and recommend its passage.

Also, Assembly Bill, No. 24, entitled An Act to amend an Act, approved May eighteenth, eighteen hundred and fifty-three, amendatory of, and supplementary to, the Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State—and recommend that the same be indefinitely postponed;

Also, Senate Bill, No. 68, entitled An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two—and recommend its passage;

Also, Senate Bill, No. 35, entitled An Act concerning Conveyances—and report the same back with the following amendment:

Amend by striking out the title, and insert in lieu thereof, words as follows: "An Act to amend An Act concerning Conveyances, approved April sixteenth, eighteen hundred and fifty"—and recommend its passage as amended.

Also, Senate Bill, No. 94, entitled An Act to amend an Act entitled An Act to provide for the appointment, and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—and report the same back with the following amendments:

Section three, line three, strike out word "the," and insert in lieu thereof, the word "any."

Section three, lines three and four, strike out words, "of every legitimate child which is a minor."

Section four, strike out after word "order," on the seventh line, and insert in lieu thereof, words as follows: "The estate and effects comprised therein, shall be appraised by three suitable persons, to be appointed and sworn in like manner as is required with respect to the inventory of the estate of a deceased testator, or intestator; and every Guardian shall account for, and dispose of the personal estate of the ward in like manner as is directed with respect to Executors and Administrators."

Strike out "section ten."

Strike out words, "section eleven," and insert in lieu thereof, words "section ten."

Strike out words "section twelve," and insert in lieu thereof, "section eleven."

Strike out words "section thirteen," and insert in lieu thereof, words "section twelve."

Section thirteen, strike out words—"The following shall be additional sections of the Act hereby amended, section fifty-one." In the same section, strike out words "section fifty-two."

Section fourteen, strike out "section fourteen"—and report the same back, and recommend its passage as amended.

SHARP,  
Chairman.

Report accepted, and with bills, placed on file.

Mr. Heacock made the following report :

MR. PRESIDENT :—The Senators from Sacramento, to whom was referred the bill entitled An Act for the relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento—have examined the same, and report it back recommending its passage.

HEACOCK,  
CLARK.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 18th, 1861. }

*To the Honorable the Senate of California :*

I herewith transmit a communication received by the last Pony Express from the Hon. John C. Burch, member of Congress from this State, in relation to our war indebtedness, and making reference to the services rendered by William C. Kibbe, Adjutant and Quartermaster-General, in facilitating and procuring the favorable action of Congress of our war claims.

As the office of the Adjutant and Quartermaster-General is now a matter of investigation before your honorable body, I deem it proper to lay before you the aforesaid communication for your information, and such other action as may be deemed proper.

JOHN G. DOWNEY,  
Governor.

Read and made the special order of the day for to-morrow at twelve o'clock, M.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 18th, 1861. }

MR. PRESIDENT :—The House on yesterday passed the following Bills:

Assembly Bill, No. 21, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 61, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty ;

Also, Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma, or Assigns, to improve the navigation of Petaluma Creek ;

Also, Assembly Bill, No. 83, An Act declaring the Salinas River navigable ;

Also, Assembly Bill, No. 151, An Act concerning Agricultural Societies ;

Also, Assembly Bill, No. 89, An Act to regulate Fees in Office in the County of Los Angeles ;

Also, Senate Bill, No. 83, An Act making an appropriation for deficiencies for the Twelfth Fiscal Year, ending thirtieth of June, eighteen hundred and sixty-one.

J. W. SCOBAY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 21, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 61, above reported—was read first and second times, and referred to the Senators from the Counties of Humboldt, Napa, and Siskiyou.

Assembly Bill, No. 73, above reported—was read first and second times, and referred to the Delegation.

Assembly Bill, No. 83, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 151, above reported—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 89, above reported—was read first and second times, and referred to the Senator from Los Angeles.

## INTRODUCTION OF BILLS.

Mr. Rhodes, by leave, introduced a bill without notice, for An Act concerning the City of San José, and to ratify and confirm a certain Ordinance of the Common Council of the City of San José.

Read first and second times, and referred to the delegation.

Mr. Rhodes, also by leave, introduced a bill without notice, for An Act to authorize the issuance of duplicates of certain School Land Warrants for the benefit of Thomas Thompson.

Read first and second times, and referred to the Committee on Public Lands.

Mr. Clark, by leave, introduced a bill without notice for An Act more clearly to define the Boundaries of Sacramento County and to amend the Act entitled An Act to amend an Act entitled An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Sacramento and San Joaquin delegations.

Mr. Clark, by leave, also introduced a bill without notice, for An Act to convey certain Real Estate.

Read first and second times, and referred to the Judiciary Committee.

Mr. Heacock gave notice that he would at an early day introduce a bill to transfer Moneys in the treasury of Sacramento County remaining in the General Fund to the Contingent Fund.

Mr. Gallagher offered a Concurrent Resolution Relative to the State Geologist.

Adopted.

## GENERAL FILE.

Senate Bill, No. 91, An Act to authorize Caius T. Ryland to sell certain Real Estate of his infant Children—was taken up, read a third time, and passed.

Assembly Bill, No. 90, An Act to authorize the Executrix and Executor of the estate of Frederick P. Tracy, deceased, to sell the Real Estate of said deceased at public or private sale—was considered, read a third time, and passed.

Assembly Bill, No. 79, An Act to amend an Act entitled An Act relating to the Thirteenth Judicial District and to define the time of holding the Courts in said District, approved January thirteenth, eighteen hundred and sixty—was taken up, and referred to the Senator from said district.

Senate Bill, No. 38, An Act in amendment of An Act to regulate pro-

ceedings in Criminal Cases, approved May first, eighteen hundred and fifty-one—was made the special order of the day for to-morrow at half past eleven o'clock, A. M.

Senate Bill, No. 23, An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—was taken up, amendments reported by the Judiciary Committee adopted, and bill ordered printed, and returned to the file.

Senate Bill, No. 81, An Act to amend an Act entitled An Act concerning Official Bonds—was taken up.

Mr. Merritt moved a call of the Senate.

Agreed to.

Roll called.

The Sergeant-at-Arms was dispatched for the absentees.

Absent—Messrs. Burbank, Chase, Crittenden, Edgerton, Pico, Sharp, Warmcastle, Watt, Williamson, and Vance.

Mr. Phelps moved to dispense with further proceedings under the call.

Agreed to.

The report of the Judiciary Committee was then adopted, and the bill indefinitely postponed.

Senate Bill, No. 84, An Act to authorize the Administrator of the estates of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the moneys in his hands for certain purposes—was considered in Committee of the Whole, and amendments reported by the Judiciary Committee adopted.

#### IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, A. D. eighteen hundred and fifty-eight—was taken up, and considered in Committee of the Whole, and amendments reported by the San Francisco Delegation adopted.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 5, An Act relative to the office of Superintendent of Common Schools in the County of San Mateo—was considered in Committee of the Whole, and the amendments reported by the Committee on Education adopted.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco—was considered in Committee of the Whole, and amendments reported by the Committee on Agriculture adopted.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORTS.

Mr. Merritt, by leave, made the following report :



**Mr. PRESIDENT:**—The undersigned, to whom was referred Assembly Bill, No. 79, An Act to amend An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District, approved January thirteenth, eighteen hundred and sixty—has had the same under consideration, and beg leave to report the same back and recommend to strike out all after the enacting clause and insert the amendment herein reported. All of which is respectfully submitted.

**MERRITT,**  
Senator Sixth District.

**SECTION 1.** Section two of said act is hereby amended so as to read as follows:

**Sec. 2.** The terms of the District Court of the Thirteenth Judicial District shall be held as follows: In the county of Stanislaus, on the second Mondays of February, June, and October, of each year. In the county of Merced, on the third Mondays of February, June, and October, of each year. In the county of Fresno, on the fourth Mondays of February, June, and October, of each year. In the county of Tulare, on the first Mondays of March, July, and November, of each year. In the county of Mariposa, on the third Mondays of March, July, and November, of each year.

**Sec. 2.** This act shall be in force and take effect from and after the first day of June, A. D. eighteen hundred and sixty-one.

On motion of Mr. Merritt, the bill was taken up and considered, and the amendments, reported by himself, adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

**Mr. Denver** made the following report:

**Mr. PRESIDENT:**—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 110, An Act to authorize the Administrator of the estate of Henry Meredith, deceased, to sell Real Estate at public or private sale—and at two o'clock and forty-five minutes, P. M. on the eighteenth day of February, eighteen hundred and sixty-one, delivered the same to the Governor for his approval.

**A. ST. C. DENVER,**  
Chairman.

On motion of Mr. Dickinson, the Senate adjourned.

**PABLO DE LA GUERRA,**  
President of the Senate.

**Attest: C. W. TOZER,** Secretary of the Senate.

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**IN SENATE.**

**SENATE CHAMBER,**  
Wednesday, February 20th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Burbank for one day.

## REPORTS.

Mr. Clark, from the Finance Committee, to whom was referred Assembly Bill, No. 88, An Act to extend the time of collecting Taxes in the County of Santa Cruz—reported the same back verbally, recommending its passage without amendment.

Mr. Watkins made the following report :

Mr. PRESIDENT :—The Committee on Claims, to whom was referred Senate Bill, No. 86, Claim of John Herzo, Assignee, for Stationery furnished Supreme Court, and State Officers, in eighteen hundred and fifty-four; also, the claim of J. J. Lecount, for Stationery furnished the Supreme Court in eighteen hundred and fifty-six—have had the same under consideration, and beg leave to report the same back without recommendation;

Also, the claim of William Greenhood, for services as Translator—have had the same under consideration, and beg leave to report the same back, with the accompanying bill, and recommend its passage;

Also, Senate Bill, No. 118, being Claim of Mary B Russell, for certain moneys expended by the Sisters of Mercy for the Burial of the Dead—have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage as amended :

Amend section first, by striking out all after word “hereby,” in last line, and insert “audit and allow.” Strike out all of second and third;

Also, Senate Bill No. 59, Claim of Alta California newspaper, or its Assigns, for printing notice of sale of Government Reserve, in the City of San Francisco, and other claims—have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage as amended :

Amend section first, first and second line, by striking out “Alta California, or its Assignees,” and insert “Edward Connor, proprietor of the Alta California, or his Assigns.” Amend by adding to the end of section second, “And the Treasurer is hereby required to write ‘surrendered’ across the face of the skeleton scrip accompanying the claims of John N. Norris, A. R. Feldt, Jonathan Barclay, and Jacob Fletcher;”

Also, Senate Bill, No. 63, entitled An Act to audit and pay the claim of Gregory Yale—Report that in June, eighteen hundred and fifty-nine, and after the Supreme Court had decided that the validity and terms of the Estill contract could not be considered, unless in a direct suit for that purpose, the late Board of State Prison Directors, by a formal resolution to that effect, employed Mr. Yale in behalf of the State. He was professionally connected with three actions relating to this matter, namely: The action of trespass against the Governor, Lieutenant-Governor, Secretary of State, and several attachés of the State Prison, for taking possession of the State Prison, under the directions of the Legislature, by the provisions of the Acts of February and April, eighteen hundred and fifty-nine, on that subject, in which one hundred thousand dollars were claimed by the plaintiff, Mr. McCauley; also, the principal action by the State, to test the validity of the Estill contract, setting forth all the breaches of that contract as claimed by the State; and for the recovery of the State Prison, and surrender of the convicts to the Directors; and also, in the mandamus proceeding by McCauley against the Controller, Malony, to compel the issue of two hundred and twenty thousand dollars of warrants.

Governor Weller, in his Annual Message of eighteen hundred and sixty, presented a statement from Mr. Yale, as one of the accompanying

documents to his message, exhibiting the condition of the State Prison litigation at that time, and referred to the employment of counsel in behalf of the State, in his message. No express contract was made fixing the sum to be paid. Soon after Mr. Yale was employed, he received from the Directors the sum of five hundred dollars as a retaining fee; in January, eighteen hundred and sixty, he received the further sum of one thousand dollars. These payments were made by the Board, from funds under their control. The claim is for a balance of eleven hundred dollars—making the entire claim, for all the services rendered, twenty-six hundred dollars.

This claim was presented to the present Board of State Prison Commissioners, who decided that they were without funds to pay it, and that the same must be presented to the Board of Examiners, and be passed upon as a claim against the State.

The committee find that the claim was so presented, under the act of eighteen hundred and fifty-eight, and under the rules and regulations of the Board, by giving public notice of the intention to present it; and that the Board unanimously approved it, and that the same, with accompanying papers, was transmitted to the Legislature, by the Board, with a recommendation that it be paid, in a report of January last.

The committee are therefore of the opinion, that the claim is a legal and meritorious claim against the State; that Mr. Yale was legally employed; that the services were rendered to the State; and that the amount is reasonable and just.

The committee report the bill back to the Senate, and recommend its passage with the addition of an enacting clause.

WATKINS,  
Chairman.

Report accepted, and with bills, placed on file.

Mr. Denver made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills, have examined and find correctly enrolled, Senate Bill No. 34, An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 83, An Act making appropriation for deficiencies made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—and at two o'clock, P. M. on the nineteenth day of February, eighteen hundred and sixty-one, delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

Mr. Shafter made the following report:

Mr. PRESIDENT:—The Committee on Finance, to whom was referred Senate Bill, No. 25—have had the same under consideration, and recommend the passage thereof, with an accompanying amendment.

SHAFTER,  
For Committee.

Sec. 3. This act shall take effect only upon the payment of the sum of three thousand five hundred dollars, by, or on behalf of the persons mentioned in the first section of this act, to the Treasurer of this State, for the purpose of discharging the expense of the litigation heretofore mentioned.

Report accepted, and with bill, placed on file.

Mr. Clark made the following report :

Mr. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 50, entitled An Act to establish a Standard of Weights and Measures—have had the same under consideration, and report it back with certain amendments, and when so amended, recommend its passage.

Amend section second, by adding thereto the following: "And all Deputy or County Sealers, are hereby required to deliver to the County Clerks of their respective Counties, all standards of weight or measure, in their possession, or under their control."

Amend section thirteen, by striking out the following words, to-wit: "They shall also be entitled to a reasonable compensation for making such weights and measures conform to the standards established by this act."

CLARK,  
Chairman.

Report received, and with bill, placed on file.

Mr. Clark also made the following report :

Mr. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 67, entitled An Act authorizing the Treasurer of State to issue Bonds—have had the same under consideration, and report it back with an amendment, the adoption of which they recommend, and when so amended, recommend its passage.

The amendment proposed by the committee, is, to strike out all after the enacting clause, and insert the following :

SECTION 1. The Treasurer of State is hereby authorized and required to receive three several bonds, numbered respectively, one hundred and fifty-seven, one hundred and fifty-eight, and one hundred and fifty-nine, each bearing date the fifteenth day of January, eighteen hundred and fifty-nine, and each signed by J. Neely Johnson, Governor; countersigned by G. W. Whitman, Controller, and indorsed by Henry Bates, Treasurer; and for the sum of five hundred dollars each, and in lieu thereof, to issue new bonds in accordance with An Act to provide for paying certain equitable Claims against the State of California, and to contract a Funded Debt for that purpose, passed April thirtieth, eighteen hundred and sixty.

CLARK,  
Chairman.

Report received, and with bill, placed on file.

Mr. Harvey made the following report :

Mr. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate Bill, No. 127, entitled An Act to authorize the issuance of duplicates of certain School Land Warrants, for the benefit of Thomas Thompson—beg leave to report that they have had the same under consideration, and that they are satisfied that the said Thomas Thompson was the owner and legal holder of said warrants; that the same had been located by him in the County of Santa Clara; and that the said warrants were accidentally destroyed by fire on the first day of December, eighteen hundred and sixty. They therefore report the said bill back with the following amendment—and recommend that the same, when so amended, be passed.

Amend section five, by adding thereto, "And any assignment made by either of the warrantees named in the original warrants, or by any other

person, and indorsed on said duplicates respectively, shall have the same force and effect as the indorsements made, or which might have been legally made on the said originals respectively—provided, that upon any one of said original warrants being found, the duplicate thereof, herein directed to be issued, shall be null and void, to all intents and purposes whatsoever.”

O. HARVEY,  
Chairman.

Report received, and with bill, considered in Committee of the Whole, and amendment proposed by the committee, adopted.

#### IN SENATE.

Reported back, amendment concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Gallagher presented the following report :

Mr. PRESIDENT :—We, the undersigned, members of the Committee on Engrossed Bills, have had under consideration the resolution allowing the Engrossing Clerk to appoint an Assistant—and we report the same back and recommend its passage.

SOL. A. SHARP,  
E. H. HEACOCK,  
C. V. WILLIAMSON,  
RICHARD IRWIN,  
P. A. GALLAGHER.

Report received, and resolution adopted.

On motion of Mr. Dickinson, the vote had on yesterday, by which Senate Bill, No. 104, was made the special order for Saturday, February twenty-third, at twelve, M. was reconsidered, and the bill placed on file.

Mr. Phelps made the following report :

Mr. PRESIDENT :—The Special Committee, to whom was referred the following resolution, viz :

“Resolved, That a select committee of three be appointed for the purpose of thoroughly examining into the manner in which the Quartermaster and Adjutant-General of the State has conducted the business of his office in the past, and as to its present condition”—have had the matter under consideration and investigation, and beg leave to report.

The law equires the Quartermaster and Adjutant-General to report to the Governor on the fifteenth day of December, annually, to be laid before the Legislature—

First—The number of enrolled militia in each county of this State.

Second—The whole number of enrolled militia in this State.

Third—The number of volunteer, or independent companies in this State.

These provisions have not been complied with, so far as we can ascertain, since eighteen hundred and fifty-seven ; the report of eighteen hundred and fifty-seven, gives the names of the militia and volunteer companies, and adds that they number about eighteen hundred, rank and file. It seems to be impossible to tell, from any record in the possession of the Governor, or any of the State officers, what is the present condition of the militia of the State, how many companies there are in the State, what number of men, rank and file, or in many instances, who are the commissioned officers. It would be perhaps possible to glean this

information, in part, from the files of papers in the office of the Quartermaster-General; but this would require much time, and the information thus gained could not prove otherwise than unsatisfactory. We find, in the Governor's office, what purports to be a record of Staff officers, and of the volunteer companies of the State, but no entries have been made therein since eighteen hundred and fifty-six.

We have been unable to ascertain what amount of arms, etc. are now in the hands of the organized companies, nor what is the organized militia force of the State.

The law makes the Adjutant-General, Secretary of the Board of Military Auditors; and as such, he is required to exact from each person to whom a commission is issued, the sum of five dollars, which he is required to pay into the State Treasury quarterly. But we are assured there has never been a single dollar paid in by him. The sum of two hundred and twenty-five dollars has been received from this source since General Kibbe left the State.

In view of the importance of ascertaining the condition of the militia force, and effects of the State, we recommend the passage of the accompanying resolution.

*Resolved*, That the Special Committee, to whom was referred a resolution making inquiries into the present condition of the Adjutant-General's Office be, and they are hereby, authorized to employ some competent person to examine the papers on file in the Quartermaster and Adjutant-General's Office, and to report, through said committee, to the Senate—

*First*—The names of commissioned militia officers of this State.

*Second*—The number of organized militia companies, and the number of the rank and file of each.

*Third*—The arms and effects of the State, in the hands of such companies.

*Fourth*—The arms, etc. now in the State Arsenal.

*Fifth*—The validity of the bonds taken for State arms, etc.

T. G. PHELPS,  
W. W. PARKS,  
S. T. LEET.

On motion of Mr. Phelps, the special order of the day—the resolution granting further leave of absence to Adjutant-General Kibbe, was taken up, and considered in connection with the report.

Mr. Merritt in the Chair.

Mr. Phelps moved to postpone the consideration of the special order, until Wednesday, March sixth.

Lost.

The question then being on the adoption of the resolution—was put, and the resolution adopted.

The question recurring on the adoption of the resolution reported by the committee, was put—and the resolution adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
Wednesday, February 20th, 1861. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Senate Bill, No. 77, An Act to change the name of Andreas Christian Michelsen, to William Smith;

Also, have this day passed Senate Bill, No. 106, An Act to amend an

Act entitled An Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty;

Also, Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three;

Also, concurred in Senate Concurrent Resolution, No. 19, Relative to the State Geologist.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 70, above reported, was read first and second times, and referred to the Committee on State Hospitals.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

OFFICE BOARD OF EXAMINERS,  
Sacramento, February 20th, 1861. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body, the following claim, which has been approved by the Board of Examiners, together with the decision of the Board:

Claim, No. 213—A. C. Monson, for one thousand, two hundred dollars.

JOHN G. DOWNEY,  
President Board of Examiners.

Referred to the Committee on claims.

Mr. Clark, by leave, introduced a bill without notice, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis.

Read first and second times, and referred to the Committee on Claims.

Mr. Sharp made the following report:

MR. PRESIDENT:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 16, An Act to amend an Act entitled An Act to prohibit the burning of Bricks, within certain limits, in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty—have had the same under consideration, and report the same back with the following amendment, and recommend the passage of the bill as amended.

Amend section one, line twenty-seven, after word "streets," by adding words, "one hundred vara Lot, No. 24, in block bounded by Larkin, Polk, Union, and Green, streets."

SHARP,  
For the Delegation.

Report received, and with bills, placed on file.

#### GENERAL FILE.

Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the legal Distances from each County Seat, to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

teen hundred and sixty, to January fifth, eighteen hundred and sixty-one, above reported—was read first and second times, and placed on file.

Mr. Vance, Chairman of the Committee on Public Morals, to whom was referred Assembly Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty—reported the same back verbally, recommending its passage without amendment.

On motion of Mr. Phelps, the rules were suspended, and the bill taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Denver made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 77, An Act to change the name of Andreas Christian Michelson to William Smith ;

Also, Senate Bill, No. 106, An Act to amend an Act entitled An Act amendatry of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty—and at eleven o'clock and twenty minutes, A. M. of this day delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

February 21st, 1861.

Report accepted.

Mr. Phelps made the following report :

Mr. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 151, An Act concerning Agricultural Societies—have had the same under consideration and report the bill back and recommend its passage.

PHELPS,  
Chairman.

Report accepted, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Mr. Chase made a verbal report recommending the passage of Assembly Bill, No. 45, An Act to provide for the collection of delinquent Taxes in the County of Nevada.

Report accepted, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February, 21st, 1861. }

Mr. PRESIDENT:—The House on yesterday concurred to Senate amend-



ments to Assembly Bill, No. 5, An Act relative to the Office of Superintendent of Common Schools in the County of San Mateo;

Also, on the fourteenth instant passed Assembly Bill, No. 126, An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named;

Also, on the sixteenth instant passed Assembly Bill, No. 112, An Act to legalize the Assessment Roll and extend the time for the collection of Taxes in the County of Los Angeles;

Also, on the eighteenth instant passed Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County;

Also, Bill, No. 84, An Act to provide for recording certain Deeds, and to make the same Evidence;

Also, Bill, No. 86, An Act to amend an Act entitled An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his Duties and Compensation, approved April nineteenth, eighteen hundred and fifty-six;

Also, Bill, No. 95, An Act to provide for the better maintenance of the Indigent Sick of the County of Nevada.

J. W. SCOBEE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 126, above reported—was read first and second times, and referred to the delegation from Sonoma.

Assembly Bill, No. 112, above reported—was read first and second times, and referred to the delegation from Los Angeles.

Assembly Bill, No. 78, above reported—was read first and second times, and referred to the delegation from Mariposa.

Assembly Bill, No. 84, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 86, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 95, above reported—was read first and second times, and referred to the delegation from Nevada.

#### INTRODUCTION OF BILLS.

Mr. Edgerton, by leave, introduced a bill without notice for An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands.

Read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, by leave, introduced a bill without notice, for An Act authorizing Gustave Touchard, Executor of the estate of Henry Mathey, deceased, to sell the Real Estate belonging to the estate of Henry Mathey, deceased, at public or private sale.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp, by leave, introduced a bill without notice for An Act concerning District Court Reporters for the Fourth, Sixth, and Twelfth, Judicial Districts.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill, No. 89, An Act prescribing rules for the State Library—is considered in Committee of the Whole, and amendments reported by a Committee on State Library adopted.

## IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Clark, Senate Bill, No. 104—was placed at the head of the General File.

Mr. Merritt, by leave, made the following report :

Mr. PRESIDENT:—The undersigned member of the Engrossing Committee of the Senate, to whom was referred a resolution providing for the appointment of an Assistant Engrossing Clerk—begs leave to report that in his judgment it is entirely unnecessary at this time, contrary to practice and precedent, and will create a useless office at an expense of eight dollars per day to the State. I therefore recommend that the resolution be indefinitely postponed. All of which is respectfully submitted.

MERRITT,

Chairman of Committee.

Read, and laid on the table.

Senate Bill, No. 104, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento—was taken up, and amended as follows:

By adding in the first section of the bill the name of "John S. Barrett."

In the same section by striking out the word "streets" in next to the last line, and inserting the words "whole line."

Also, by adding after the word "property" in the third line from the bottom of said section the words "according to the assessed value thereof adjoining."

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 101, An Act relating to the sureties of C. F. Lynn, late Treasurer of Trinity County—was considered in Committee of the Whole, and amendments proposed by the Judiciary Committee adopted.

## IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion, the rules were further suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Senate bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—was considered in Committee of the Whole, and amendments reported by the Judiciary Committee adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Mr. Sharp, by leave, introduced a bill without notice for An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—was read first and second times, and referred to the delegation from San Francisco.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 21st, 1861. }

Mr. PRESIDENT:—The House has this day adopted a resolution Relative to adjournment—and ask the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

Resolution read, and concurred in.

Mr. Phelps, by leave, presented the petition of citizens of San Francisco remonstrating against the passage of an Act now before the Legislature providing for the inspection of Lumber and Shingles in the Harbor of San Francisco.

Received, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Parks, the rules were suspended, and Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State—was taken up, amendments heretofore adopted in Committee of the Whole concurred in, and bill ordered to be engrossed, and read a third time.

Mr. Ryan, by leave, offered a Concurrent Resolution, Relative to going into Joint Convention on the twenty-seventh instant, for the purpose of electing a United States Senator.

Laid on the table.

On motion of Mr. Sharp, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest—C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 26th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of Thursday, February twenty-first, read and approved.

Absent—Messrs. Crittenden, Gallagher, Harvey, Haynes, Pico, Rhodes, Shafter, Sharp, Thomas, Vance, Watt, Williamson, and Mr. President.

### LEAVE OF ABSENCE.

On motion of Mr. Franklin, one day's leave of absence was granted to Messrs. Sharp and Crittenden.

On motion of Mr. Thornton, indefinite leave of absence was granted to the President of the Senate.

On motion of Mr. Ryan, indefinite leave of absence was granted to Mr. Haynes.

On motion of Mr. De Long, indefinite leave of absence was granted to Dr. Vance, and one day's leave of absence to Dr. Williamson.

On motion of Mr. Leet, indefinite leave of absence was granted to Dr. Harvey.

## IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Clark, Senate Bill, No. 104—was placed at the head of the General File.

Mr. Merritt, by leave, made the following report:

Mr. PRESIDENT:—The undersigned member of the Engrossing Committee of the Senate, to whom was referred a resolution providing for the appointment of an Assistant Engrossing Clerk—begs leave to report that in his judgment it is entirely unnecessary at this time, contrary to practice and precedent, and will create a useless office at an expense of eight dollars per day to the State. I therefore recommend that the resolution be indefinitely postponed. All of which is respectfully submitted.

MERRITT,

Chairman of Committee.

Read, and laid on the table.

Senate Bill, No. 104, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento—was taken up, and amended as follows:

By adding in the first section of the bill the name of "John S. Barrett."

In the same section by striking out the word "streets" in next to the last line, and inserting the words "whole line."

Also, by adding after the word "property" in the third line from the bottom of said section the words "according to the assessed value thereof adjoining."

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 101, An Act relating to the sureties of C. F. Lynn, late Treasurer of Trinity County—was considered in Committee of the Whole, and amendments proposed by the Judiciary Committee adopted.

## IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion, the rules were further suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Senate bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—was considered in Committee of the Whole, and amendments reported by the Judiciary Committee adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Mr. Sharp, by leave, introduced a bill without notice for An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—was read first and second times, and referred to the delegation from San Francisco.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

## ASSEMBLY CHAMBER,

February 21st, 1861. }

Mr. PRESIDENT:—The House has this day adopted a resolution Relative to adjournment—and ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

Resolution read, and concurred in.

Mr. Phelps, by leave, presented the petition of citizens of San Francisco remonstrating against the passage of an Act now before the Legislature providing for the inspection of Lumber and Shingles in the Harbor of San Francisco.

Received, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Parks, the rules were suspended, and Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State—was taken up, amendments heretofore adopted in Committee of the Whole concurred in, and bill ordered to be engrossed, and read a third time.

Mr. Ryan, by leave, offered a Concurrent Resolution, Relative to going into Joint Convention on the twenty-seventh instant, for the purpose of electing a United States Senator.

Laid on the table.

On motion of Mr. Sharp, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest—C. W. TOZER, Secretary of the Senate.

## IN SENATE.

## SENATE CHAMBER,

Tuesday, February 26th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of Thursday, February twenty-first, read and approved.

Absent—Messrs. Crittenden, Gallagher, Harvey, Haynes, Pico, Rhodes, Shafter, Sharp, Thomas, Vance, Watt, Williamson, and Mr. President.

## LEAVE OF ABSENCE.

On motion of Mr. Franklin, one day's leave of absence was granted to Messrs. Sharp and Crittenden.

On motion of Mr. Thornton, indefinite leave of absence was granted to the President of the Senate.

On motion of Mr. Ryan, indefinite leave of absence was granted to Mr. Haynes.

On motion of Mr. De Long, indefinite leave of absence was granted to Dr. Vance, and one day's leave of absence to Dr. Williamson.

On motion of Mr. Leet, indefinite leave of absence was granted to Dr. Harvey.

On motion of Mr. Phelps, leave of absence was granted to Mr. Shafter for one day.

# REPORTS.

Mr. Hill, of the Sonoma Delegation, made the following report:

Mr. PRESIDENT:—The delegation, to whom was referred Assembly Bill, No. 73, report the same back, and recommend its passage.

HILL.

On motion of Mr. Hill, the rules were suspended, and the bill just reported, was taken up, read a third time, and passed.

Mr. Heacock, of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills, have examined, and found correctly engrossed, Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco;

Also, Senate Bill, No. 84, An Act to authorize the Administrator of the estates of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes;

Also, Senate bill, No. 61, An Act concerning Officers;

Also, Senate Bill, No. 68, An Act to amend An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two;

Also, Senate Bill, No. 72, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty;

Also, Senate Bill, No. 116, An Act supplemental to an Act entitled An Act granting the right of way over certain Lands of this State, in the counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight;

Also, Senate Bill, No. 127, An Act to authorize the issuance of Duplicates of certain School Land Warrants, for the benefit of Thomas Thompson;

Also, Senate Bill, No. 115, An Act supplemental to An Act for the Education and care of Indigent, Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty.

HEACOCK,

Of Committee.

Report accepted.

Mr. Dickinson made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures, have examined the copying done for the Senate, and find due C. W. Tozer, Secretary of the Senate, for copying done to date, February twenty-third, eighteen hundred and sixty-one, four hundred and twelve dollars and sixty-five cents.

DICKINSON,

For the Committee.

On motion, the rules were suspended, and the report just read, taken up and adopted.

Mr. Edgerton made the following report:

Mr. PRESIDENT:—The Committee on Swamp and Overflowed Lands have had under consideration a bill for an act entitled An Act amendatory of an Act entitled An Act for the relief of purchasers of Lands from the State of California—and report the bill back, with an amendment and recommend its passage as amended.

Amend by striking out all from the word “that,” in the twelfth line to the word “all,” in the thirteenth line.

EDGERTON,  
Chairman.

The report, with bill, was placed on file.

Mr. Clark, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

On motion of Mr. Phelps, the bill was laid on the table.

#### IN SENATE.

Mr. Burbank, by leave, introduced a bill for An Act to provide for the construction of Street Railroads in the City and County of San Francisco, by Citizens thereof.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Burbank moved to have the usual number of copies of the bill ordered printed.

Mr. Ryan moved to amend, by having all the bills relating to Railroads in San Francisco, printed.

The question being on the amendment, it was lost.

The question on the original motion, it was lost.

Mr. Heacock, by leave, introduced a bill for An Act to transfer certain Funds in the Treasury of Sacramento County, remaining in the General Fund, to the Contingent Fund.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Watson, by leave, introduced a bill for An Act supplemental to an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March twentieth eighteen hundred and fifty-five, and to increase the number of the members composing the Board of Supervisors in Monterey County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Ryan, by leave, introduced a bill for An Act authorizing Joseph Galloway and others to build a Wharf at San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Edgerton, the Expunging Resolutions censuring the Hon. David C. Broderick, were made the special order for Wednesday March sixth, at eleven and a half o'clock, A. M.

Also, the resolutions relative to the State of the Union, on Tuesday March fifth, at twelve o'clock, M.

On motion of Mr. Leet, the resolutions relative to the Crittenden Compromise were made the special order for Wednesday, February twenty-seventh, at one o'clock, P. M.

Mr. Chase gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

A communication was received from Wm. F. Williamson, Sergeant-at-Arms, presenting sundry Newspaper accounts.

Referred to the Committee on Contingent Expenses.

#### GENERAL FILE.

Senate Bill, No. 86, An Act to audit and allow the claim of J. Herzo, assignee—taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 13, An Act to audit and allow the claim of J. J. McCourt—taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Watson, Assembly Bill, No. 88, An Act to extend the time for the collection of Taxes in the County of Santa Cruz—was taken from the file, read a third time, and passed.

On motion of Mr. Phelps, the bill introduced by Mr. Clark relative to the Special Tax for the payment of the Capitol grounds, was taken from the table and considered in Committee of the whole.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 118, An Act to reimburse to Mary B. Russell certain moneys expended by the Sisters of Mercy for the Burial of the Dead—was taken up, amended, ordered engrossed, and read a third time.

On motion of Mr. Logan, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 27th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Warmcastle, indefinite leave of absence was granted to Mr. Rhodes.



## REPORTS.

Mr. Hill of the Sonoma Delegation made the following report:

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill No. 126—report the same back and recommend its passage.

HILL.

On motion of Mr. Hill, the rules were suspended, and the bill just reported, was taken up, read a third time, and passed.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Franklin made the following report:

Mr. PRESIDENT:—The Committee on Public Hospitals, to whom was referred Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three—have had the same under consideration, and report the same back and recommend its passage without amendment.

FRANKLIN,  
Chairman.

Report accepted, and with bill, placed on file.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom were referred Assembly Bill, No. 88, entitled An Act declaring the Salinas River in the County of Monterey a Navigable Stream—and report the bill back recommending its passage;

Also, Senate Bill, No. 66, entitled An Act appropriating Money for the benefit of the Ladies' Seamen's Friend Society of San Francisco—and report the bill back recommending its passage.

JOHN T. RYAN,  
Chairman.

Report accepted, and with bills, placed on file.

## INTRODUCTION OF BILLS.

Mr. Logan, by leave, introduced a bill for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, A. D. eighteen hundred and sixty.

Read first and second times, rules suspended, bill considered in Committee of the Whole.

## IN SENATE.

Reported back, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Burbank, pursuant to notice, introduced a bill for An Act to authorize the Board of Supervisors of the City and County of San Francisco to furnish Chambers for certain Judges of the Courts.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Burbank, by leave, introduced a bill for An Act amendatory of, and

supplementary to, an Act entitled An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Warmcastle, by leave, introduced a bill for An Act to amend An Act to create a Sinking Fund to pay the outstanding indebtedness of the County of Contra Costa.

Read first and second times, and placed on file.

Mr. Clark, by leave, introduced a bill for An Act making appropriations for Deficiencies in the appropriations made for the Twelfth Fiscal Year, ending the thirtieth day of June, A. D. eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

Mr. Clark, by leave, introduced a bill for An Act making appropriations for the support of the Civil Government of this State for the Thirteenth Fiscal Year, beginning on the first day of July, A. D. eighteen hundred and sixty-one, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-two, inclusive.

Read first and second times, and referred to the Committee on Finance.

Mr. Thornton, by leave, introduced a petition accompanying a bill for An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the year eighteen hundred and sixty-one.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Warmcastle, by leave, offered the following resolution :

*Resolved*, That J. B. Carr have leave to withdraw from the office of Secretary of State the petition and other papers embracing a claim against the State now on file in that office.

Adopted.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 22d, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 58, An Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss' Bridge on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty ;

Also, Senate Bill, No. 32, An Act to pay for Volumns Fourteen and Fifteen of the Reports of the Supreme Court of the State of California ;

Also, Senate Bill, No. 74, An Act to amend An Act creating a Board of Commissioners, and the Office of Overseer in each Township in the several Counties of this State to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several Acts amendatory thereto ;

Also, Senate Bill, No. 83, An Act making appropriation for Deficiencies made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one :

Also, Senate Bill, No. 77, An Act to change the name of Andreas Christian Michelson to Wm. Smith;

Also, Senate Bill, No. 110, An Act to authorize the Administrator of the estate of Henry Meredith, deceased, to sell Real Estate at public or private sale;

Also, Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 106, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April, twenty-eighth, eighteen hundred and sixty.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 26th, 1861. }

*To the Honorable the Senate of California :*

I transmit herewith to your honorable body the Annual Report of the State Agricultural Society as delivered to me by the Secretary.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 22d, 1861. }

*To the Honorable the Senate of California :*

I herewith return to your honorable body Senate Bill, No. 46, An Act entitled An Act to ratify and approve Ordinance, Number Ninety-Six, of the Board of Supervisors of the City and County of Sacramento, approved May, twenty-ninth, eighteen hundred and sixty, without my approval, with the following objections :

Article eleven, section five of the State Constitution in relation to Supervisors, reads as follows :

"The Legislature shall have power to provide for the election of a Board of Supervisors in each County, and these Supervisors shall jointly and individually perform such duties as may be prescribed by law."

The Legislature of this State at its Ninth Session did provide for an election of a Board of Supervisors for the City and County of Sacramento, and in unmistakable terms did prescribe their duties.

This same act creating the Board of Supervisors provided for an election of Clerk to the Board, and fixed his salary at two thousand five hundred dollars per annum.

By an ordinance approved May twenty-ninth, eighteen hundred and sixty, which is now sought to be ratified, the Board created the office of Assistant to this Clerk, and fixed his compensation at one hundred and fifty dollars per month.

It is clear to my mind that this ordinance was illegal and unconstitutional, as the Board had no right to create an office not contemplated by the act, nor perform any other duty which would impose burdens upon the people which was not clearly prescribed by law.

To this exercise of power by the Board of Supervisors not prescribed and clearly defined by statutory enactments may be ascribed in no small degree the present embarrassed condition of nearly all of the counties of this State, and although this may be a moderate compensation, and the

creation of this office might have been necessary, still as a principle, I cannot sanction it, and I hold that the passage of this act could not legalize the unwarrantable proceedings under this ordinance since the twenty-ninth of May last.

This act also proposes to raise the salaries of certain deputies from twelve hundred dollars per annum to eighteen hundred dollars per annum, while the act of April twenty-fourth, eighteen hundred and fifty-eight, fixes these salaries at twelve hundred dollars per annum.

I can see but little use in the wise restrictions thrown around the operations of the Board of Supervisors by the Legislature if they are allowed to create offices and raise salaries in violation of the plain provisions of the act giving them existence; as well might they have raised their own salaries, and fixed their compensation, and provided by ordinance for their being in perpetual session, when they are by law limited to so many days in each year, unless without compensation.

If the salaries of the present incumbents are too low, and the present number of officers of the city and county of Sacramento not sufficient, let the charter be amended so as to give the Board of Supervisors the power to perform these duties legally.

JOHN G. DOWNEY,  
Governor.

The question being, Shall the bill pass notwithstanding the veto of the Governor?

On motion of Mr. Clark, the message was made the special order of the day for Friday next at half past eleven o'clock, A. M.

#### GENERAL FILE.

Senate Bill, No. 72, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, and other acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—was taken up, read a third time, and passed.

Senate Bill, No. 68, An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on public Lands in this State, approved April twentieth, eighteen hundred and fifty-two—was taken up, read a third time, and passed.

The Committee on Claims reported a bill for An Act for the relief of William Greenhood—was read first and second times, and returned to file.

Mr. Edgerton, Chairman of the Committee on Swamp and Overflowed Lands made the following report:

Mr. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 24, entitled An Act to amend An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-eighth, eighteen hundred and fifty-eight, and also, to amend An Act approved April eighteenth, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—have had the same under consideration and herewith report the same back to the Senate recommending its passage with the following amendments:

Amend by striking out all of section first after the word "acres" in line fourteenth on page second of said bill.

Amend by striking out section second of said act and insert the following:

"Sec. 2. This act shall take effect from and after its passage."

EDGERTON,  
Chairman.

Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

On motion of Mr. Ryan, the rules were suspended, and Senate Bill, No. 109, An Act amendatory of an Act entitled An Act for the relief or Purchasers of Lands from the State of California—was taken up, considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 59, An Act to audit and allow certain claims—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 134, An Act making an appropriation for the payment of the claim of C. W. Tozer and others for the transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory—was taken up, and considered in the Committee of the Whole.

IN SENATE.

Reported back, ordered engrossed, and read a third time.

Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn for services as State Prison Director from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one—was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, bill ordered engrossed, and read a third time.

Senate Bill, No. 137, An Act making an appropriation for the payment of the claims of I. & S. Wormser, Assignee of William Dougherty and J. C. Lewis, for newspapers furnished Senate, Eleventh Session—was considered in Committee of the Whole.

IN SENATE.

Reported back without amendment, and ordered engrossed, and read a third time.

Senate bill, No. 138, An Act making an appropriation for the payment of the claim of James R. Hardenbergh for Postage Stamps furnished Eleventh Session—was considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, and ordered engrossed, and read a third time.

Senate Bill, No. 25, An Act in relation to Auctioneers—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 67, An Act to authorize the Treasurer of State to issue Bonds—was considered in Committee of the Whole, and amendments reported by the Finance Committee adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 50, An Act to establish a standard of Weights and Measures—was taken up, and made the special order for Friday next at one o'clock, p. m.

Assembly Bill, No. 16, An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty—was considered in Committee of the Whole, and amendments reported by San Francisco Delegation adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill read a third time, and passed.

Senate Bill, No. 23, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—was taken up, and re-referred to the Judiciary Committee.

Mr. DeLong offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be allowed to appoint a Night Watchman at five dollars per diem, payable out of the Contingent Fund of the Senate.

Pending the action on which, the special order of the day was called for and taken up.

## SPECIAL ORDER.

The special order being the resolution known as the Crittenden Resolution, and the question being on the adoption of Mr. Clark's amendment—

Mr. Shafter rose to a point of order—That the Senate having refused to strike out all of said resolution following eighteen hundred and sixty-one, it was not competent to amend the paragraph which the Senate had thus refused to strike out.

The Chair ruled the point of order not well taken.

Mr. Shafter appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Clark, Shafter, and Dickinson, and taken with the following result: Ayes, 16—noes, 10:

**AYES**—Messrs. Burbank, Chase, Clark, Crittenden, DeLong, Edgerton, Harvey, Hill, Logan, Merritt, Pico, Ryan, Sharp, Vance, Watson, and Watt—16.

**NOES**—Messrs. Denver, Dickinson, Eagan, Franklin, Heacock, Leet, Phelps, Shafter, Warmcastle, and Watkins—10.

So the decision of the Chair was sustained, and stands as the judgment of the Senate.

The question recurring upon the adoption of the amendment offered by Mr. Clark, the ayes and noes were demanded by Messrs. Sharp, DeLong, and Clark, and taken with the following result: Ayes, 14—noes, 15:

**AYES**—Messrs. Chase, Clark, DeLong, Edgerton, Gallagher, Harvey, Heacock, Hill, Irwin, Parks, Phelps, Ryan, Sharp, and Watt—14.

**NOES**—Messrs. Burbank, Crittenden, Denver, Dickinson, Eagan, Franklin, Leet, Logan, Merritt, Pico, Shafter, Vance, Warmcastle, Watkins, and Watson—15.

So the amendment was lost.

Mr. DeLong moved to amend by inserting after the words "Southern people" the words "except such as may be by the constituted authorities of this Union deemed absolutely necessary for the safety and perpetuity of the same, after all attempts to effect a reconciliation by compromise have failed."

Upon which, the ayes and noes were demanded by Messrs. Sharp, DeLong, and Merritt, and taken with the following result: Ayes, 10—noes, 17:

**AYES**—Messrs. Clark, DeLong, Edgerton, Harvey, Heacock, Hill, Irwin, Phelps, Ryan, and Sharp—10.

**NOES**—Crittenden, Denver, Dickinson, Eagan, Franklin, Gallagher, Leet, Logan, Merritt, Parks, Pico, Shafter, Vance, Warmcastle, Watkins, Watson, and Watt—17.

So the amendment was lost.

Mr. Sharp moved to amend by inserting after the word "people" the words "and we also condemn the execution of the laws of the United States in any event."

Upon which, the ayes and noes were demanded by Messrs. Eagan, Leet, and Thornton, and taken with the following result: Ayes, none—Noes, 29:

**AYES**—None.

**NOES**—Messrs. Burbank, Chase, Clark, Crittenden, DeLong, Denver, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Heacock, Hill, Irwin, Leet, Logan, Merritt, Parks, Phelps, Pico, Ryan, Shafter, Sharp, Thornton, Vance, Warmcastle, Watkins, and Watson—29.

So the amendment was lost.

Mr. Shafter moved to amend by inserting after the word "people" the words "or any people who may resist the authority of the government by armed force."

Lost.

Mr. Dickinson moved to amend by striking out the words "Southern people" and inserting the words "the people of any State."

Lost.

Mr. Sharp moved to amend by inserting after the word "people" the words "and we also condemn any attempt on the part of the government to enforce obedience to the laws of the United States, in what are called the seceding States, in any event."

Lost.

Mr. Merritt moved to amend by inserting after the word "people" the words "in the settlement of the present difficulties."

Mr. Sharp moved to adjourn.

Lost.

Mr. Leet moved the previous question.

Not sustained.

Mr. Phelps offered the following resolutions as a substitute for the whole subject matter:

*Resolved*, That the people of California are in favor of adjusting any and all difficulties and causes of dissension that does, or may hereafter, exist between different sections of the country, or between any section thereof and the General Government, so far as the same can be done without acknowledging the right of secession or compromising the dignity and integrity of the General Government.

*Resolved*, That the people of California are loyal to the Constitution and Union, and will adhere to them under any circumstances and will uphold the General Government in any constitutional action.

Lost.

Question recurring on the adoption of Mr. Merritt's amendment was put, and lost.

Mr. Clark moved to amend by inserting after the word "force" the words "under existing circumstances."

Upon which, the ayes and noes were demanded by Messrs. Ryan, Chase, and Eagan, and taken with the following result: Ayes, 16—noes, 10:

**AYES**—Messrs. Burbank, Chase, Clark, DeLong, Denver, Dickinson, Gallagher, Harvey, Hill, Irwin, Logan, Merritt, Parks, Pico, Ryan, and Watt—16.

**NOES**—Messrs. Crittenden, Eagan, Franklin, Leet, Phelps, Shafter, Sharp, Vance, Warmcastle, and Watson—10.

So the amendment was adopted.

The question being upon the adoption of the resolution as amended, the ayes and noes were demanded by Messrs. Chase, Dickinson, and Heacock, and taken with the following result: Ayes, 21—noes, 6:

**AYES**—Messrs. Chase, Clark, Crittenden, DeLong, Denver, Dickinson, Franklin, Gallagher, Harvey, Hill, Irwin, Leet, Logan, Merritt, Parks, Pico, Ryan, Vance, Warmcastle, Watson, and Watt—21.

**NOES**—Messrs. Burbank, Eagan, Heacock, Phelps, Shafter, and Sharp—6.

So the resolution was adopted as amended.

Mr. Merritt made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills, have examined Senate Bill, No. 25, entitled An Act in relation to Auctioneers—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report received.

On motion of Mr. Ryan, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.



## IN SENATE.

SENATE CHAMBER,  
Thursday, February 28th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Edgerton presented the petition of Horace Smith, praying for the passage of An Act to change the Venue in his case, from the Twelfth Judicial District Court, to the Eleventh Judicial District, for Placer County.

Received and placed on file.

## REPORTS.

Mr. Vance, Chairman of the Committee on Public Morals, made a verbal report on Senate Bill, No. 49, An Act to provide for the better observance of the Sabbath, and to secure a day of rest from secular pursuits—recommending its passage.

Bill placed on file.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills, have examined Senate Bill, No. 104, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento;

Also, Senate Bill, No. 134, An Act making an appropriation for the payment of the claim of C. W. Tozer and others, for the transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory—and report the same correctly engrossed.

MERRITT,  
Chairman.

Mr. Edgerton made the following report:

Mr. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 26, entitled An Act to provide for the segregation and selection of Swamp and Overflowed Lands—have had the same under consideration, and herewith report the same back to the Senate, with a recommendation that it be indefinitely postponed.

EDGERTON,  
Chairman.

Report received, and bill placed on file.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-one, and to extend its provisions to Tulare County—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

All of which is respectfully submitted.

MERRITT,  
Senator Sixth District.

Report received, rules suspended, and bill considered, read a third time, and passed.

Mr. Chase, from the Nevada Delegation, made a verbal report on Assembly Bill, No. 95, An Act to provide for the better maintenance of the Indigent Sick of the County of Nevada—recommending its passage.

Report received, rules suspended, and bill considered, read a third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. Edgerton, by leave, introduced a bill entitled An Act to change the Venue in the case of Horace Smith.

Read first and second times, rules suspended, and considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Edgerton, the forty-fifth rule was suspended, and the Secretary directed to report the bill just passed, to the Assembly, forthwith.

Mr. Vance, by leave, introduced a bill for An Act to change the name of John H. D. Malson, of the County of Butte.

Read first and second times, and placed on file.

Mr. Ryan, by leave, introduced a bill for an act entitled an Act in relation to the Water Front, adjacent to block Number Nine, in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. De Long, by leave, introduced a bill for An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House.

Read first and second times, and referred to the delegations from Yuba and Butte.

Mr. Sharp, by leave, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration, and report as follows:

Senate Bill, No. 136, entitled An Act authorizing Gustave Touchard, Executor of the Estate of Henry Hathey, deceased, to sell the Real Estate belonging to the Estate of said Henry Hathey, deceased, at public or private sale—report the same back with the following amendment:

Strike out section four, and recommend its passage as amended.

Also, Senate Bill, No. 119, entitled An Act to ascertain and correct the errors and defects of the Statute Laws of this State—report the same back, and recommend its passage;

Also, Senate Bill, No. 117, entitled An Act to pay the Fees of Attorneys on the part of the State, in certain cases—and recommend that the same be indefinitely postponed.

SHARP,

Chairman.

Report received, and with bills, placed on file.

Mr. Gallagher offered a Concurrent Resolution relative to going into Joint Convention, on Tuesday, March fifth, eighteen hundred and sixty-one, at twelve o'clock, m. for the purpose of electing a United States Senator.

Mr. Parks moved a call of the Senate.

Lost.

Mr. Parks then moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded by Messrs. Watt, Ryan, and Chase, and taken with the following result: Ayes, 11—noes, 13:

AYES—Messrs. Burbank, Franklin, Logan, Merritt, Parks, Phelps, Pico, Shafter, Vance, Warmcastle, and Watkins—11.

NOES—Messrs. Chase, De Long, Edgerton, Gallagher, Harvey, Hill, Irwin, Leet, Ryan, Sharp, Thomas, Watson, and Watt—13.

So the motion was lost.

Mr. Phelps moved a call of the Senate.

Carried.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Clark, Denver, Dickinson, Haynes, Rhodes, Thornton, Williamson, Crittenden, and Mr. President.

After some time spent under the call, Mr. Crittenden and Mr. Dickinson appearing at the bar of the Senate, were admitted and excused.

On motion of Mr. Merritt, further proceedings under the call was dispensed with.

Mr. De Long moved to amend the resolution, by striking out Tuesday, March fifth, and inserting Saturday, March ninth.

Mr. Leet moved to amend by inserting Friday, March first.

Division being called for, the question was put on striking out, and carried.

The question being on the motion of Mr. Leet, to insert Friday, March first, was put.

Lost.

The question then being upon inserting Saturday, March ninth, was put.

Carried.

The question recurring on the adoption of the resolution as mended, the ayes and noes were demanded by Messrs. Hill, Gallagher, and Phelps, and taken with the following result:

AYES—Messrs. Chase, De Long, Denver, Edgerton, Gallagher, Harvey, Hill, Irwin, Leet, Ryan, Sharp, Thomas, and Watt—13.

NOES—Messrs. Burbank, Crittenden, Dickinson, Eagan, Franklin, Heacock, Logan, Merritt, Parks, Phelps, Pico, Shafter, Vance, Warmcastle, Watkins, and Watson—16.

So the motion was rejected.

Mr. Watson gave notice that he would, on to-morrow, move a reconsideration of the vote just had, by which the Senate refused to adopt the resolution.

#### GENERAL FILE.

Senate Bill, No. 134, An Act appropriating Money for the payment of the claim of Charles W. Tozer and others, for the transportation of Arms and Munitions of War, to Carson Valley, Utah Territory—was taken up, read a third time, and passed.

Senate Bill, No. 66, An Act appropriating Money for the benefit of the Ladies' Seamen's Friend Society of San Francisco—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, rules suspended, bill considered engrossed, and read a third time.

Mr. Logan moved to rerefer to the Committee on Commerce and Navigation, with special instructions to amend so as to require the Trustees of the society to file with the State, a bond in the sum of ten thousand dollars, for the faithful discharge of their duties.

Lost.

The question recurring on the passage of the bill, was put.

Carried.

Assembly Bill, No. 83, An Act declaring the Salinas River navigable—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, read a third time, and passed.

Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, read a third time and passed.

Senate Bill, No. 24—was taken up, and on motion of Mr. Leet, returned to the file.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

February, 28th, 1861. }

Mr. PRESIDENT :—The House, on yesterday, appointed a committee of three, Messrs. Tilton, Magruder, and Henderson, to act in conjunction with a similar Senate committee, to visit Marysville, and if necessary, San Francisco, and examine into matters connected with the State Reform School.

J. W. SCOBEE,  
Assistant Clerk.

Mr. Merritt offered the following resolution :

*Resolved*, That a select committee of three be appointed by the Senate, to act in conjunction with a like committee of the Assembly, to take into consideration that part of the late Annual Message of the Governor relating to the State Reform School, with instructions to examine and report upon the expediency of making further appropriations for the erection of the necessary buildings at Marysville for the accommodation of said school ; and also, to report whether it is desirable to entertain any proposition for the change of location ; and the committee is hereby authorized to visit Marysville, and afterwards, if necessary, San Francisco, at such times as they may desire, to pursue their investigations.

On motion, the resolution was adopted.

The Chair appointed as such committee on the part of the Senate, Messrs. Merritt, Harvey, and Chase.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 28th, 1861. }

Mr. PRESIDENT:—The House has this day passed Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent, Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty, with amendment—and ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

Senate Bill, No. 115, above reported, was taken up and referred to the Committee on Public Morals.

On motion of Mr. Denver, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 1st, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Edgerton presented the petition of sundry citizens of San Francisco, remonstrating against the passage of an act now before the Senate, providing for the appointment of an Inspector of Lumber for the port of San Francisco.

Received, and referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills, report the following bills as properly engrossed:

Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County, remaining in the General Fund, to the Contingent Fund;

Also, Senate Bill, No. 118, An Act to reimburse Mary B. Russell certain Moneys expended by the Sisters of Mercy, for the Burial of the Dead;

Also, Senate Bill, No. 86, An Act to audit and allow the Claim of John Herzo, Assignee.

MERRITT,  
Chairman.

Mr. Logan made the following report:

Mr. PRESIDENT:—The Committee on Mileage, report the sum due Senators Franklin, Hill, Williamson, Leet, Rhodes, Harvey, and Warm-

castle, each, as mileage in traveling to and from the State Hospital, in the performance of committee duties, to be eighteen dollars, payable out of the Contingent Fund of the Senate.

LOGAN,  
Chairman.

Report received and adopted.

Mr. Vance made the following report :

Mr. PRESIDENT :—The Committee on Public Morals, to whom was referred Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty, together with assembly amendments therefor—report the same back, and recommend that the Senate refuse to concur, and ask that a committee of conference, on the part of the Senate, be appointed to confer with a like committee on the part of the Assembly.

VANCE,  
Chairman.

On motion of Mr. Dickinson, the report was adopted, and a Committee of Free Conference appointed by the Chair, consisting of Messrs. Dickinson, Parks, and Heacock.

Mr. Vance also made the following report :

Mr. PRESIDENT :—The Committee on Finance, to whom was referred Assembly Bill, No. 4, An Act to provide for the collection of Delinquent Taxes in the County of Butte—report the same back with amendments, and recommend its passage as amended.

VANCE,  
For the Committee.

Report received, rules suspended, bill considered in Committee of the Whole, and amendments reported from the committee, adopted.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Burbank, by leave, presented the petition Of sundry Citizens of San Francisco, praying for the passage of the Railroad Bill, now before the Senate, as introduced by Mr. Burbank.

Read, and referred to the San Francisco Delegation.

Mr. Dickinson made the following report :

Mr. PRESIDENT :—The Committee on Public Expenditures, have had under consideration Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State—and report the same back with an amendment, and recommend its passage as amended.

Amend section two, by striking out, in the third, fourth, and fifth lines, of the section, the words "Governor of this State, on or before the twentieth day of December," and insert, "Each Branch of the Legislature, on or before the twentieth day of January."

DICKINSON,  
For Committee.

Report received, and with bill, placed on file.

Mr. Edgerton made the following report :

**MR. PRESIDENT:**—Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 73, entitled An Act to provide for the sale of the Marsh and Tide Lands of this State—have had the same under consideration, and herewith report the same back with a substitute, and recommend its passage.

**EDGERTON,**  
Chairman.

Report received, and with bill and substitute, placed on file.

#### SPECIAL ORDER.

The hour of eleven and a half o'clock, A. M. having arrived, the special order of the day, the Governor's Veto Message on Senate Bill, No. 46, was taken up.

The question being, Shall the bill pass, notwithstanding the veto of the Governor? the ayes and noes were called with the following result: Ayes, 11—noes, 11:

**AYES**—Messrs. Clark, Denver, Eagan, Edgerton, Irwin, Leet, Logan, Ryan, Thomas, Warmcastle, and Watson—11.

**NOES**—Messrs. Burbank, Gallagher, Heacock, Hill, Merritt, Parks, Phelps, Pico, Shafter, Thornton, and Watt—11.

So the veto was sustained.

Mr. De Long made the following report:

**MR. PRESIDENT:**—Your Special Committee, to whom was referred Senate Bill, No. 155, entitled An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House—having had the same under consideration, report the same back, and recommend its passage.

**C. E. DE LONG,**  
Chairman.

Report received, and with bill, placed on file.

Mr. Hill made the following report:

**MR. PRESIDENT:**—The committee, to whom was referred the report on the Eastern Boundary Survey, have examined the accounts of the Surveyor-General, up to the date of his report, and find them correct, but as no final settlement can be made until after the appointment of a Boundary Commissioner—report the same back, and ask that the committee be discharged.

**HILL,**  
Chairman.

Report received and adopted.

Mr. Watson, pursuant to notice, moved to reconsider the vote had on yesterday, by which the Senate refused to pass Senate Concurrent Resolution relative to going into Joint Convention for the purpose of electing a United States Senator.

The Chair ruled the motion out of order.

Mr. Watson appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?—was put and lost.

So the decision of the Chair was not sustained.

Mr. Vance moved a call of the Senate.

Lost.

Mr. Watson renewed his motion to reconsider.

Mr. Watson moved a call of the Senate.

Sustained.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Crittenden, Franklin, Haynes, Leet, Rhodes, Sharp, Williamson, and Mr. President.

After some time spent under the call, on motion of Mr. De Long, further proceedings under the same were dispensed with.

The question being on the motion of Mr. Watson, to reconsider the vote had on yesterday, the ayes and noes were demanded by Messrs. Dickinson, Vance, and Eagan, and taken with the following result: Ayes, 14—noes, 12:

AYES—Messrs. Chase, De Long, Denver, Edgerton, Gallagher, Harvey, Irwin, Leet, Logan, Ryan, Thomas, Watkins, Watson, and Watt—14.

NOES—Messrs. Burbank, Dickinson, Eagan, Heacock, Merritt, Parks, Phelps, Pico, Shafter, Thornton, Vance, and Warmcastle—12.

So the motion prevailed, and the vote was reconsidered.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Messrs. Dickinson, Gallagher, and Heacock, and taken with the following result: Ayes, 14—noes, 13:

AYES—Messrs. Chase, De Long, Denver, Edgerton, Gallagher, Harvey, Hill, Irwin, Leet, Logan, Ryan, Thomas, Watson, and Watt—14.

NOES—Messrs. Burbank, Dickinson, Eagan, Heacock, Merritt, Parks, Phelps, Pico, Shafter, Thornton, Vance, Warmcastle, and Watkins—13.

So the resolution was adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
Friday, March 1st, 1861. }

MR. PRESIDENT:—The Assembly, on February eighteenth, passed Assembly Bill, No. 27, An Act concerning the Infant Heirs and Devisees of Bernardo Yorba, deceased;

Also, Assembly Bill, No. 77, An Act defining the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors in the County Court of said County;

Also, Assembly Bill, No. 69, An Act to repeal an Act supplemental to An Act approved April twenty-ninth, eighteen hundred and fifty-seven, to provide Revenue for the support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills, and other matters; also, An Act to amend section one, of An Act entitled An Act to provide Revenue for the support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills, and other matters, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April twenty-sixth, eighteen hundred and fifty-eight, approved April twenty-third, eighteen hundred and sixty;

Also, on yesterday, passed Senate Bill, No. 82, An Act authorizing the Mayor and Common Council of the City of Marysville to provide certain Moneys for the benefit of the Agricultural, Horticultural, and Mechanics Society of the Northern District of California, with amendments thereto—in which the concurrence of the Senate is requested;



Also, concurred in Senate Concurrent Resolution, No. 18, Relative to leave of absence of Wm. C. Kibbe;

Also, passed Senate Bill, No. 57, An Act to appropriate Money for the payment of the salary of the additional Clerk in the State Land Office.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 27, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 77, above reported—was read first and second times, and placed on file.

Assembly Bill, No. 69, above reported—was read first and second times, and referred to the Finance Committee.

Senate Bill, No. 82, above reported—was considered, and Assembly amendments concurred in.

On motion of Mr. Leet, the vote just had, by which Assembly Bill, No. 27, was referred to the Judiciary Committee, was reconsidered, and the bill placed at the head of the general file.

#### SPECIAL ORDER.

Senate Bill, No. 50, An Act to establish a standard of Weights and Measures—being the special order of the day, for one o'clock, P. M. and the hour having arrived, was taken up and considered in Committee of the Whole, and amendments reported from the Finance Committee, together with other amendments, adopted.

#### IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to grant certain Wharf privileges to Paul Shirley and T. B. Storer and their Assigns.

Read first and second times, rules suspended, and bill further considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Phelps, the rules were suspended, and Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

#### GENERAL FILE.

Senate Bill, No. 118, An Act to reimburse to Mary B. Russell, certain Moneys expended by the Sisters of Mercy for the Burial of the Dead—was read a third time, and passed.

Assembly Bill, No. 27, An Act concerning the Infant Heirs and Devises of Bernardo Yorba, deceased—was considered in Committee of the whole.

#### IN SENATE.

Reported back, without amendments, read a third time, and passed.

On motion of Mr. Ryan, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

# IN SENATE.

SENATE CHAMBER,

Saturday, March 2d, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Rhodes, indefinite leave of absence was granted to Mr. Leet.

## REPORTS.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills, have examined Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State;

Also, Senate Bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment, and prescribe the duties of Guardians, passed April 10th, eighteen hundred and fifty—and find the same correctly engrossed.

MERRITT,

Chairman.

Report accepted.

Mr. Sharp made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration and report as follows:

Senate Bill, No. 53, entitled An Act for the protection of Water Companies—report the same back with the following amendments:

Section one, line three, strike out the words "make or cause to be made," and insert in lieu thereof the words "connect or cause to connect." Line five, strike out the words "or connect the same or cause to be connected." Lines sixteen and seventeen, strike out the words "one year," and insert in lieu thereof the words "six months." Line seventeen, strike out the words "one thousand," and insert in lieu thereof the words "five hundred." Section two, line thirteen, strike out the words "one year," and insert in lieu thereof the words "six months." Lines thirteen and fourteen, strike out the words "one thousand," and insert in lieu thereof the words "five hundred"—and recommend its passage as amended;

Also, Senate Bill, No. 125, entitled An Act to convey certain Real Estate—report the same back with the following amendments:

Strike out all after the enacting clause and insert as follows:

SECTION 1. Whereas, on the twenty-first day of May, eighteen hundred

and sixty, Julia Cummings did convey to Wm. B. Alexander, as Trustee, for the use and benefit of Charles A. Hustin, the following described real estate, lying and being situated in the city of Sacramento, and county of Sacramento, State of California, and more particularly described as follows: All that certain piece or parcel of land, known and designated upon the map of said city, as the easterly quarter (E one-quarter,) of lot number three in the square between L and M streets, and Third and Fourth streets, fronting twenty feet on L Street, and running back southerly at right angles therewith one hundred and sixty feet to the alley, together with all and singular, the tenements, hereditaments, and appurtenances, thereunto belonging, or in anywise appertaining; and, whereas, said Charles A. Hustin, who was an Indian, soon after said conveyance, departed this life, leaving no heirs whereby said real estate has escheated to the State of California, be it therefore enacted, that John G. Downey, Governor of the State of California, be and is hereby, empowered, authorized, and directed to make, execute, acknowledge, and deliver, to said Julia Cummings a deed for all the right, title, and interest, of the estate of California, in and to said real estate, whenever satisfactory evidence shall be adduced before him of the fact that said Charles A. Hustin died intestate and without heirs, and that said deed of trust was executed without any other consideration than that of love and affection; and furthermore, that he, nor his said Trustee, had during his lifetime, nor said Trustee has since the death of the said Charles A. Hustin in any manner disposed of said real estate; and it is further provided, that said W. B. Alexander shall join in said conveying all his right, title, and interest, in and to said real estate—and recommend its passage as amended;

Also, Senate Bill, No. 35, entitled An Act concerning Conveyances—report the same back with the following amendments:

Strike out the title and insert in lieu thereof words as follows: An Act in amendment of An Act concerning Conveyances, passed April sixteenth, A. D. eighteen hundred and fifty.

SECTION 1. In all cases of conveyances of real estate which at the time of such conveyance is held adversely to the grantor, the holder, or occupant, of such real estate, his heir, assign, and successor, in interest, shall have, and may maintain, all defense against the grantee, his assigns, or successors in interest of said grantee, which he, or they, could have and maintain against said grantor in any and all actions whatsoever concerning said real estate, or the possession thereof.

SEC. 2. So much of section thirty-four of an act entitled An Act concerning Conveyances, approved April sixteenth, A. D. eighteen hundred and fifty, as conflicts with section one of this act is hereby repealed—and recommend its passage as amended;

Also, Senate Bill, No. 133, entitled An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Land—report the same back and recommend its passage;

Also, Assembly Bill, No. 86, entitled An Act to amend an Act entitled An Act to provide for the appointment of a Reporter of the Supreme Court and define his Duties and Compensation, approved April nineteenth, A. D. eighteen hundred and fifty-six—and recommend that the same be indefinitely postponed.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Gallagher made the following report:

**MR. PRESIDENT:**—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find due the Secretary of the Senate as follows :

Purpose.	Folios.	Per Follo.	Amount.
Tabular statements and statistics.....	1,682	15 cts.	\$254 32
For Printer .....	2,103	10 cts.	210 30
Totals.....	3,785	.....	\$464 62

P. A. GALLAGHER,  
For Committee.

March 2d, 1861.

Report received, and adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 1st, 1861. }

**MR. PRESIDENT:**—The House has this day appointed Messrs. Flanders, Harris, and Dougherty, Committee of Free Conference on the disagreeing vote of the two Houses upon Senate Bill, No. 115 ;

Also, have passed Senate Bill, No. 152, An Act to change the venue in the case of Horace Smith.

J. W. SCOBEE,  
Assistant Clerk.

Mr. Denver made the following report :

**MR. PRESIDENT:**—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 152, An Act to change the venue in the case of Horace Smith, and at three o'clock and ten minutes, P. M. on March first, eighteen hundred and sixty-one, delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

Mr. Warmcastle, by leave, presented the claim of J. B. Carr, Attorney-at-Law, for services rendered A. R. Maloney, Controller of State.

Received and referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for An Act relating to the Thirteenth Judicial District and to define the time for holding Courts in said District.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Shafter, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe three hundred thousand dollars to the capital stock of the

San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Chase, by leave, introduced a bill for An Act to refund to Martin Brannon the amount paid into the Treasury of the State for certain Poll Tax Receipts, the same having been mislaid.

Read first and second times, and referred to the Committee on Claims.

Mr. Logan, by leave, introduced a bill for An Act to legalize the survey of the Town of Red Bluff.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps, by leave, presented a petition together with a bill in relation thereto, entitled An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street in the City and County of San Francisco.

Read first and second times, and with petition referred to the Committee on Commerce and Navigation.

Mr. Harvey gave notice that he would at an early day introduce a bill amendatory of An Act establishing an Insane Asylum in this State.

#### GENERAL FILE.

Senate Bill, No. 151, An Act for the relief of William Greenhood—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Dickinson, by leave, made the following report:

Mr. PRESIDENT:—The Committee of Free Conference appointed by the Senate and Assembly to consider Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind—have had the same under consideration and recommend that the House recede from its amendments, and that the bill be amended as follows:

Amend section three, by striking out of sixth line the words "three hundred" and insert "two hundred and fifty." Add to section three the following words: "And the Controller is hereby authorized and required to draw his warrants on the Treasurer for the account so audited and allowed to be paid out of any moneys not otherwise appropriated.

Amend section five, by striking out the word "twelve" and insert "ten."

DICKINSON,  
PARKS,  
HEACOCK,  
Senate Committee.  
FLANDERS,  
HARRIS,  
DOUGHERTY,  
House Committee.

Mr. Ryan moved to make the bill just reported, the special order for next Friday at twelve o'clock, M.

Lost.

Mr. Ryan then moved to make it the special order for Thursday next at twelve o'clock, M.

Lost.

On motion of Mr. Dickinson, the bill and report were placed at the head of the file.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills have examined and found correctly engrossed the following bills :

Senate Bill, No. 66, An Act appropriating Moneys for the benefit of the Ladies' Seamen's Friend Society of San Francisco ;

Also, Senate Bill, No. 138, An Act making appropriation for the payment of the claim of James R. Hardenbergh for Postage Stamps furnished Senate, Eleventh Session ;

Also, Senate Bill, No. 144, An Act to authorize the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the year eighteen hundred and sixty-one ;

Also, Senate Bill, No. 67, An Act authorizing the Treasurer of State to issue Bonds ;

Also, Senate Bill, No. 148, An Act to authorize the Board of Supervisors of the City and County of San Francisco to furnish Chambers to certain Judges of certain Courts ;

Also, Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale ;

Also, Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn for services as State Prison Director from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one.

MERRITT,

Chairman.

Report accepted.

Senate Bill, No. 115, just ordered to be placed at the head of the file—was taken up, and report of Free Conference adopted.

Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the outstanding indebtedness of the County of Contra Costa—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 49—was taken up, and placed at the bottom of the file.

Senate Bill, No. 26, An Act to provide for the Segregation and Selection of Swamp and Overflowed Lands—was taken up, and indefinitely postponed.

Senate Bill, No. 153, An Act to change the name of John H. D. Malson of the County of Butte—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, ordered engrossed, and read a third time.

Senate Bill, No. 136, An Act authorizing Gustave Touchard, Executor of the estate of Henry Mathey, deceased, to sell the Real Estate belonging to the estate of said Henry Mathey, deceased, at public or private sale—was considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 117, An Act to pay the Fees of Attorneys on the part of the State in certain cases—was indefinitely postponed.

Senate bill, 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 24, An Act to amend an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-eighth, eighteen hundred and fifty-eight, and also, to amend An Act, approved April eighteenth, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—was considered in Committee of the Whole, and amendments reported by Committee on Swamp and Overflowed Lands adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State—was taken up, and the question being upon the passage of the bill, the ayes and noes were demanded by Watkins, Sharp, and Parks, and taken with the following result: Ayes, 11—noes, 13:

**AYES**—Messrs. Clark, Eagan, Edgerton, Franklin, Harvey, Heacock, Phelps, Rhodes, Ryan, Vance, and Warmcastle—11.

**NOES**—Messrs. Burbank, Crittenden, Haynes, Irwin, Logan, Merritt, Parks, Shafter, Sharp, Thomas, Thornton, Watkins, and Watt—13.

So the bill was rejected.

Mr. Parks gave notice that on Monday he would move a reconsideration of the vote just had.

Senate Bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment and prescribe the duties of Guardians—was taken up, read a third time, and passed.

Assembly Bill, No. 77, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, read a third time, and passed.

Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State—was considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 155, An Act to change the Boundary Line between

the Counties of Butte and Yuba at the Woodville House—was considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

The resolution providing for the appointment of a Night Watchman—was taken up, and adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 2d, 1861. }

Mr. PRESIDENT:—The Assembly has this day passed Senate Bill, No. 20, An Act amendatory of, and supplementary to, An Act to provide for the formation of Corporations, etc.—with amendments, and amend the title, and ask the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

Senate Bill, No. 20, above reported—was considered, and Assembly amendments concurred in.

Mr. Denver made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Concurrent Resolution, Relative to leave of absence of Wm. C. Kibbe;

Also, Senate Bill, No. 57, An Act to appropriate Money for the payment of the Salary of the additional Clerk in the State Land Office—and at half past eleven o'clock, A. M. delivered the said bill to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

March 2d, 1861.

Report accepted.

On motion of Mr. Watkins, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: D. J. WILLIAMSON, Assistant Secretary.

IN SENATE.

SENATE CHAMBER,  
Monday, March 4th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

No quorum present.

Mr. Parks moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs.



Burbank, Crittenden, De Long, Denver, Dickinson, Eagan, Haynes, Heacock, Hill, Leet, Merritt, Phelps, Pico, Ryan, Sharp, Thomas, Thornton, Vance, and Mr. President.

Mr. Burbank and Mr. Denver, appearing at the bar of the Senate, were admitted.

Quorum present.

Mr. Burbank moved to adjourn, in honor of the Inauguration of Abraham Lincoln, as President of the United States of America.

Lost.

Journal of Saturday read and approved.

On motion of Mr. Gallagher, leave of absence was granted to Mr. Eagan for one day.

On motion, the Chair was directed to fill the vacancy on the committee appointed to receive bids for translating the Laws in the Spanish language, occasioned by the absence of Mr. Pico.

The Chair appointed Mr. Clark.

On motion of Mr. Williamson, leave of absence was granted to Mr. Merritt for one day.

Mr. Parks, pursuant to notice, moved to reconsider the vote by which the Senate, on Saturday, indefinitely postponed Senate Bill, No. 11.

Carried.

On motion of Mr. Denver, the bill was then made the special order of the day, for Friday, March eighth, eighteen hundred and sixty-one, at eleven and a half o'clock, A. M.

Mr. Logan, by consent of the Senate, moved to reconsider the vote by which the Senate, on Saturday, indefinitely postponed Senate Bill, No. 26.

Mr. Parks arose to discuss the merits of the bill; on the motion to reconsider.

The Chair ruled the Senator out of order.

Mr. Parks appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?—was put and lost.

So the Chair was not sustained.

After discussion, the question on reconsidering, was put and carried.

So the vote was reconsidered, by which the Senate, on Saturday, indefinitely postponed Senate Bill, No. 26.

On motion of Mr. Chase, the bill was then made the special order for Tuesday, March twelfth, eighteen hundred and sixty-one, at twelve o'clock, M.

#### REPORTS.

Mr. Denver made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills, have examined, and find correctly enrolled, Senate Bill, No. 20, An Act in reference to Corporations organized in this State, for the purpose of mining out of this State—and at eleven o'clock, A. M. of this day, delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

Report accepted.

Mr. Gallagher made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed :

Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty ;

Also, Senate Bill, No. 137, An Act making an appropriation for the payment of the claims of I. & S. Wormser, Assignees of Wm. Dougherty and J. C. Lewis, for Newspapers furnished Senate, Eleventh Session ;

Also, Senate Bill, No. 142, An Act supplemental to an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March thirtieth, eighteen hundred and fifty-five, and to increase the number of the members composing the Board of Supervisors of Monterey County ;

Also, Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State ;

Also, Senate Bill, No. 59, An Act to audit and allow certain Claims.

P. A. GALLAGHER,

Report accepted.

For the Committee.

Mr. Rhodes made the following report :

Mr. PRESIDENT :—The Special Committee, to whom Senate Bill, No. 128, was referred—have had the same under consideration, and recommend that it be passed, with the following amendments :

Strike out the words “ approved by the Mayor,” in line second, section one. Insert the word “ thirteenth,” in line two, and the word “ July,” in line three, of section one.

RHODES.

Report received, and with bill, placed on file.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 2d, 1861. }

Mr. PRESIDENT :—On yesterday, the House concurred in Senate amendments to Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte.

J. W. SCOBEE,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 4th, 1861. }

Mr. PRESIDENT :—The Assembly, on the second instant, concurred in Senate Concurrent Resolution, No. 23, relative to a Joint Convention ;

Also, passed Senate Bill, No. 127, An Act to authorize the issuance of Duplicates of certain School Land Warrants, for the benefit of Thomas Thompson ;

Also, on February twenty-first, passed Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County ;

Also, on February twenty-sixth, passed Assembly Bill, No. 127, An Act to authorize James Camp and James M. Fry to remove certain remains ;

Also, on the second instant, adopted report of the Committee of Free Conference, on Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty ;

Also, on the twenty-seventh ultimo, the House passed Assembly Bill, No. 125, An Act concerning certain Officers of the County of Los Angeles ;

Also, Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties, a legal tender for County Taxes in said Counties ;

Also, on the first, passed Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

J. W. SCOBEE,  
Assistant Clerk.

Pending the action on the Assembly message, and the reading of the bills reported therewith—

The Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest : C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 5th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Rhodes presented the petition Of W. L. Patterson, Deputy Marshall of the City of San José, praying for an allowance from the State of Five Hundred Dollars, for his services in arresting one Hernandez.

Received, and referred to the Committee on Claims.

Mr. Clark presented the Claim of George J. Lytle, for Newspapers furnished the Senate at its Eleventh Session.

Received, and referred to the Committee on Claims.

## REPORTS.

Mr. Williamson made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills, have examined, and found correctly engrossed, the following bills :

Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State ;

Also, Senate Bill, No. 159, An Act relating to the Thirteenth Judicial District, and to define the time of holding Court in said District ;

Also, Senate Bill, No. 24, An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-eighth, eighteen hundred and fifty-eight ; also, to amend an Act approved April eighteenth, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the Sale of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight ;

Also, Senate Bill, No. 153, An Act to change the name of John H. D. Malson, of the County of Butte;

Also, Senate Bill, No. 50, An Act to establish a standard of Weights and Measures.

WILLIAMSON,  
Of the Committee.

Report accepted.

Mr. Gallagher made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures, have examined the Copying done for the Senate up to date, and find due the Secretary of the Senate as follows:

Purpose.	Folio.	Per Folio.	Amount.
Journal and Appendix. ....	1,346	15 cts.	\$201 90
Journal and Appendix.....	2,688	10	268 80
Total.....	4,034		\$470 70

P. A. GALLAGHER,  
For Committee.

Report accepted.

#### MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,  
Sacramento, March 4th, 1861. }

*To the Honorable the Senate of California:*

I transmit herewith to your honorable body, the following Claims, which have been approved by the Board, together with the papers and decision in each case, viz:

Number of Claim.	Claimed.	Approved.
Claim, No. 212, W. W. Upton.....	\$500 00	\$500 00
Claim, No. 204, S. B. Richardson.....	241 22	209 62

JOHN G. DOWNEY,  
President Board of Examiners.

Read and referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Mr. Clark, by leave, introduced a bill for An Act to provide for the payment of services rendered in defending the case of T. F. W. Price vs. The Controller of State, Treasurer, and Secretary of State.

Read first and second times, and referred to the Committee on Claims.

Mr. Rhodes, by leave, introduced a bill for An Act for the Relief of William L. Patterson.

Read first and second times, and referred to the Committee on Claims;  
Also, for An Act to amend an Act entitled An Act to regulate Fees in

Office in certain Counties of this State, approved April twenty-seventh, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Judiciary Committee;

Also, for An Act to amend an Act entitled An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Shafter, by leave, introduced a bill for An Act amendatory of an Act entitled An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes thereon, approved March twenty-second, eighteen hundred and fifty-nine.

Read first and second times, and referred to the San Francisco Delegation ;

Also, for An Act relating to Estrays.

Read first and second times, and referred to the Judiciary Committee ;

Also, for An Act to punish Trespassers.

Read first and second times, and referred to the Judiciary Committee ;

Also, for An Act relating to Highways.

Read first and second times, and referred to the Judiciary Committee.

Mr. Warmcastle, by leave, introduced a bill for An Act to authorize the Trustees of the Contra Costa Educational Society, of the County of Contra Costa, to sell or mortgage the Real Estate, or other property belonging to the association, for certain purposes.

Read first and second times, and placed on file.

Mr. Burbank, by leave, presented the petition of sundry citizens of San Francisco, praying for the passage of a Railroad Bill, now before the Senate, as introduced by Mr. Burbank.

Mr. Dickinson moved that the Senator from El Dorado, Mr. Dickinson, be excused from serving on the Committee on Public Morals.

After discussion, the motion being put, was lost.

So the Senate refused to excuse the Senator.

Mr. Dickinson then notified the Senate that he would not hold himself responsible for the action of the committee, as he would not again meet with them.

Mr. Watson offered the following resolution :

*Resolved*, That the Paper Folder be allowed to appoint an Assistant, at a salary of five dollars per day, payable out of the Contingent Fund of the Senate.

Mr. Merritt moved to strike out "five dollars per day," and insert "three dollars per day."

Carried.

Mr. Merritt then moved to strike out the words, "The Paper Folder be allowed to appoint," and insert, B. Steinman be appointed.

Carried.

Mr. Chase moved to strike out "B. Steinman," and insert "William Dennis."

The Chair ruled the motion out of order.

Mr. Shafter appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?—was put and carried.

So the decision of the Chair was sustained.

On motion of Mr. Watson, the resolution was laid on the table.

Mr. Merritt in the Chair.

Senate Bill, No. 138, An Act making an appropriation for the payment of the claim of James R. Hardenbergh, for Postage Stamps furnished Senate, eleventh session—was read a third time, and passed.

Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale—was read a third time, and passed.

Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn, for services as State Prison Director, from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one—was read a third time, and passed.

Senate Bill, No. 67, An Act authorizing the Treasurer of State to issue Bonds—was read a third time, and passed.

Senate Bill, No. 59, An Act to audit and allow certain claims—was read a third time, and passed.

Senate Bill, No. 137, An Act making an appropriation for the payment of the claims of I. & S. Wormser, Assignees of Wm. Dougherty and J. C. Lewis, for Newspapers furnished Eleventh Session of the Senate—was read a third time, and passed.

Senate Bill, No. 24, An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight; also, to amend An Act approved April eighteenth, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—was read a third time, and passed.

Senate Bill, No. 153, An Act to change the name of John D. Malson, of the County of Butte—was read a third time, and passed.

Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—was read a third time.

On motion of Mr. Burbank, it was laid on the table.

#### GENERAL FILE.

Senate Bill, No. 49, An Act to provide for the better observance of the Sabbath, and to secure a day of rest from secular pursuits—was taken up, and laid on the table.

Senate Bill, No. 128, An Act concerning the City of San José, and to ratify and confirm a certain Ordinance of the Common Council of the City of San José—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 35, An Act concerning Conveyances—was considered in Committee of the Whole, and amendments recommended by the Judiciary Committee, adopted.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

Senate Bill, No. 53, An Act for the protection of Water Companies—was considered in Committee of the Whole, and amendments reported from the Judiciary Committee, adopted.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

Senate Bill, No. 125, An Act to convey certain Real Estate—was considered in Committee of the Whole, and amendments reported from the Judiciary Committee, adopted.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

No quorum present.

Mr. Clark moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Crittenden, Gallagher, Irwin, Leet, Sharp, and Williamson.

Messrs. Gallagher and Williamson appearing at the bar of the Senate, were admitted, making a quorum.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands—was considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, ordered to be engrossed, and read a third time.

Assembly Bill, No. 86, An Act to amend an Act entitled An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six—was taken up, and indefinitely postponed.

#### UNFINISHED BUSINESS.

Assembly Bill, No. 125, An Act concerning certain Officers of the County of Los Angeles—was taken up, read first and second times, and referred to the Senator from Los Angeles.

Assembly Bill, No. 127, An Act to authorize James Camp and James M. Fry to remove certain Remains—was read first and second times, and referred to the Senator from Siskiyou.

Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County—was read first and second times, and referred to the Los Angeles Delegation.

Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties, a legal tender for County Taxes in said Counties—was read first and second times, and referred to Senators Hill and Merritt.

Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco—was read first and second times, and referred to Senators Phelps, Burbank, and Sharp.

On motion of Mr. Dickinson, the Union Resolutions were taken up, and made the special order of the day, for Thursday next, at one o'clock, P. M.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 5th, 1861. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed the following Bills :

Senate Bill, No. 144, An Act to authorize the Board of Supervisors of

Sierra County to levy certain taxes, for County purposes, for the year eighteen hundred and sixty-one;

Also, Senate Bill, No. 91, An Act to authorize Caius T. Ryland to sell certain Real Estate of his Infant Children;

Also, Assembly Bill, No. 131, An Act concerning Wild Animals in the County of Marin;

Also, Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River, in Mendocino County, to certain parties therein named;

Also, Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena, in the County of Mendocino;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain parties therein named;

Also, Assembly Bill, No. 98, An Act to authorize the Administrators of L. W. Boggs, deceased, to sell and convey Real Estate;

Also, Senate Bill, No. 101, An Act relating to the Sureties of C. F. Lynn, late Treasurer of Trinity County;

Also, on the second instant, passed Assembly Bill, No. 186, An Act amendatory of, and supplementary to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, on yesterday, passed Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County.

J. M. ANDERSON,  
Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 131, above reported—was read first and second times, and referred to the Senator from Marin.

Assembly Bill, No. 9, above reported—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 30, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 32, above reported—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 34, above reported—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 98, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 186, above reported—was read first and second times, rules suspended, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Assembly Bill, No. 166, above reported—was read first and second times, and referred to the Senator from Napa.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.



## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 6th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Logan, leave of absence was granted to Mr. Denver for one day.

## REPORTS.

Mr. Edgerton made the following report :

MR. PRESIDENT :—The Committee on Enrolled Bills have examined and find correctly enrolled Senate Bills, Nos. 127, 144, and 101—and have this day at one o'clock, P. M. presented the same to the Governor for his approval.

EDGERTON,  
Of the Committee.

Mr. Merritt made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate Bill, No. 109, An Act amendatory of an Act entitled An Act for the relief of purchasers of Lands from the State of California—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Watkins made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred Senate Bill, 130, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis—have had the same under consideration and beg leave to report the same back without amendment, and recommend its passage.

WATKINS,  
Chairman.

Report received, and with bill, placed on file.

Mr. Haynes made the following report :

MR. PRESIDENT :—Your Committee on Contingent Expenses, to whom was referred sundry accounts for newspapers furnished Senators, also, several small bills for repairs, report that they have examined the same and find them correct, and recommend the payment thereof out of the Contingent Fund as follows, viz :

Purpose.	Amount.
William Dougherty, Agent for Daily and Weekly Alta, from February 1st, to March 4th.....	\$38 00
William Dougherty, Agent for Daily and Weekly Herald.....	52 00
James Anthony & Co. for Daily and Weekly Union, from February 4th, to March 4th.....	83 00
George T. Lytle, for Daily and Weekly Bulletin, from February 4th, to March 4th.....	32 25
George T. Lytle, for Daily and Weekly Times, from February 4th, to March 4th.....	13 25
Daily Morning Call.....	2 00
San Andreas Independent, for the Session.....	9 00
San José Mercury, for the Session.....	9 00
Alameda Herald, for the Session.....	15 00
San Joaquin Republican, for the Session.....	9 50
Monitor, for the Session.....	65 00
Grimes & Felton, for Chairs.....	51 00
C. Rave, for Locks, Keys, and Repairs.....	12 40
Aug. H. Beerning, to making Shelves and Repairs in Sergeant-at-Arms Room.....	25 00
<b>Total.....</b>	<b>\$416 90</b>

J. P. HAYNES,  
Chairman.

Report accepted.

Mr. Haynes made the following report:

Mr. PRESIDENT:—The delegation, to whom was referred Assembly Bill, No. 127, entitled An Act to authorize James Camp and James M. Fry to remove certain Remains—having had the same under consideration, herein report it back and recommend the passage of the bill without amendment.

J. P. HAYNES,  
Of the Delegation.

Report accepted, and with bill, placed on file.

Mr. Edgerton, to whom was referred Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County—reported the same back verbally, and asked that it might be referred to the Judiciary Committee.

Report accepted, and bill referred to the Judiciary Committee.

Mr. Burbank, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco—reported the same back verbally recommending its passage with the following amendment:

Strike out in the fourth line, section first, the word "four" and insert the word "five."

Report received, rules suspended, and bill considered in Committee of the Whole, and amendment reported by the committee adopted.

## IN SENATE.

Reported back, amendment concurred in, and bill read a third time, and passed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February, 6th, 1861. }

Mr. PRESIDENT:—The Assembly on yesterday passed the following bills :

Senate Bill, No. 140, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a special Tax ;

Also, Senate Bill, No. 84, An Act to authorize the Administrator of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes ;

Also, Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren ;

Also, Assembly Bill, No. 129, An Act making appropriation for the payment of the Per Diem and Mileage of Presidential Electors.

Also, Assembly Bill, No. 184, An Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditors' Warrants or that may be outstanding on the first day of July, A. D. eighteen hundred and sixty-one, or Warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same ;

Also, adopted Assembly Concurrent Resolution, No. 34, asking an appropriation by Congress for continuing the Honey Lake Road ;

Also, Assembly Concurrent Resolution, No. 37, upon matters connected with the revenue of this State, and ask the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 76, above reported—was read first and second times, and referred to the Committee on Public Morals.

Assembly Bill, No. 129, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 184, above reported—was read first and second times, and referred to the Senator from Los Angeles.

Assembly Concurrent Resolution, No. 34, above reported—was read, and concurred in.

Assembly Concurrent Resolution, No. 37, above reported—was read and concurred in.

The Broderick Expunging Resolutions being the special order of the day—were taken up.

On motion of Mr. Edgerton, made special order of the day for Tuesday next at one o'clock, P. M.

Mr. Chase offered the following resolution :

*Resolved*, That all debate upon the Union Resolutions shall cease on \_\_\_\_\_ the \_\_\_\_\_ day of March current, and at the close of debate on that day the Senate will proceed to vote upon said resolutions, and substitutes, and amendments, as are or may be offered.

Mr. Chase moved to fill the blanks with "Friday the fifteenth."

Mr. Shafter moved to amend by inserting "Friday the eighth."

Lost.

Question on filling the blanks with "Friday the fifteenth"—was then put.

Carried.

The resolution was then adopted as amended.

Mr. Clark in the Chair.

#### GENERAL FILE.

Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Society of the County of Contra Costa to sell or mortgage the Real Estate or other property belonging to the Association for certain purposes—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 58, An Act in amendment of An Act to regulate proceedings in Criminal Cases, approved May first, eighteen hundred and fifty-one—was taken up, and amendments reported by the Judiciary Committee, under special instructions, adopted.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Watt, Chase, and Crittenden, and taken with the following result: Ayes, 11—noes, 10:

AYES—Messrs. Burbank, Clark, Haynes, Irwin, Merritt, Parks, Rhodes, Shafter, Sharp, Thomas, and Warmcastle—11.

NOES—Messrs. Chase, Crittenden, Edgerton, Franklin, Harvey, Logan, Thornton, Watkins, Watt, and Williamson—10.

So the bill passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 6th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 57, An Act to appropriate Money for the payment of the Salary of the additional Clerk in the State Land Office.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 6th, 1861. }

Mr. PRESIDENT:—The House on yesterday passed Assembly Bill, No. 36, An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 36, above reported—was read first and second times, and referred to the Sacramento Delegation.

Senate Bill, No. 54, An Act to amend an Act entitled An Act to amend

An Act to exempt the Homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty—was taken up, and made the special order of the day for Monday, March eleventh, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest : C. W. TOZER, Secretary of the Senate.

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IN SENATE.

SENATE CHAMBER,  
Thursday, March 7th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Rhodes, on his own motion, was given permission to withdraw the petition of Wm. L. Patterson, presented by himself a few days since.

REPORTS.

Mr. Watkins made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate Bill, No. 60, An Act to provide pay for Troops called out by the Governor of this State to quell insurrection in the year eighteen hundred and fifty-six—have had the same under consideration, and the undersigned, a majority of the committee, beg leave to report the same back, and recommend its passage.

H. P. WATKINS,  
Chairman.

J. P. HAYNES,  
JOHN A. EAGAN.

Report received, and with bill, placed on file.

Mr. Merritt made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 157, An Act to legalize the survey of the Town of Red Bluff;

Also, Senate Bill, No. 136, An Act authorizing Gustave Touchard, Executor of the estate of Henry Mathey, deceased, to sell Real Estate belonging to the estate of Henry Mathey, deceased, at public or private sale;

Also, Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State;

Also, Senate Bill, No. 125, An Act to convey certain Real Estate—and report the same back correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

On motion of Mr. Merritt, the Engrossing Committee were authorized and directed to insert an enacting clause in Senate Bill, No. 155, and to mark and number the sections properly, in Senate Bill, No. 147—the omissions being mere clerical errors in the original bills.

Mr. Sharp made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bill, have had the same under consideration, and report the same back, with the following amendments :

Senate Bill, No. 90, entitled An Act to amend An Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other acts amendatory thereto.

SECTION 1. Line six, strike out the words “the time of;” and insert in lieu thereof the words “or immediately previous to.”

SEC. 3. Line fifteen, after the whrd “known,” insert the words “to the petitioner.” Line sixteen, after the word “heirs,” insert “and devisees.”

SEC. 7. Line ten, strike out the words “to prove,” and insert the words “in proof of.”

Strike out “Sec. 10.”

Strike out “Sec. 11.”

Strike out “Sec. 12,” and insert “Sec. 10.”

Strike out “Sec. 13,” and insert “Sec. 11.”

Strike out “Sec. 14,” and insert “Sec. 12.”

Strike out “Sec. 15,” and insert “Sec. 13.”

Strike out “Sec. 16,” and insert “Sec. 14.”

Strike out “Sec. 17,” and insert “Sec. 15.”

Strike out “Sec. 18,” and insert “Sec. 16.”

SEC. 18. Line eleven, after the word “executors,” insert “or administrators.” Line sixteen, after the words “co-executor,” insert or “co-administrator.” Line eighteen, after the word “executor,” insert “or administrator.”

Strike out “Sec. 19,” and insert “Sec. 17.”

SEC. 19. Line eight, after the word “wife,” add “or such person as he, or she, may request to have appointed.” Line thirteen, strike out the words “in the order in which they would be.” Line fifteen, strike out “Public Administrator,” and insert “creditors;” also, same line, strike out “creditors,” and insert “Public Administrator.”

Strike out “Sec. 20,” and insert “Sec. 18.”

Strike out “Sec. 21,” and insert “Sec. 19.”

Strike out “Sec. 22,” and insert “Sec. 20.”

Strike out “Sec. 23,” and insert “Sec. 21.”

Strike out “Sec. 24,” and insert “Sec. 22.”

Strike out “Sec. 25,” and insert “Sec. 23.”

Strike out “Sec. 26,” and insert “Sec. 24.”

Strike out “Sec. 27,” and insert “Sec. 25.”

SEC. 27. Line five, strike out the words “or Clerk.” Lines six and seven, strike out the words “or a Notary Public.” Line fourteen, strike out the word “office,” and insert the word “Judge.”

Strike out “Sec. 28,” and insert “Sec. 26.”

SEC. 28. Line seven, after the word “probate,” insert the words “court or.” Line eight, after the word “the” insert “court or.” Line twelve, after the word “security,” insert “which citation shall be served personally.”

Strike out “Sec. 29,” and insert “Sec. 27.”

SEC. 29. Line ten, strike out the word "he," and insert the words the "court or Judge."

Strike out "Sec. 30," and insert "Sec. 28."

Strike out "Sec. 31."

Strike out "Sec. 32," and insert "Sec. 29."

SEC. 32. Line fifteen, strike out the words "The Court or Judge may, however, on good cause shown, allow extra compensation, not to exceed the amount of the regular compensation."

Strike out "Sec. 33," and insert "Sec. 30."

Strike out "Sec. 34," and insert "Sec. 31."

Strike out "Sec. 35," and insert "Sec. 32."

Strike out "Sec. 36," and insert "Sec. 33."

SEC. 36. Line twenty-one, strike out the word "will," and insert the word "may." Line twenty-two, strike out the words "deliver the same or." Line thirty, strike out the word "delivery," and insert the words "such disclosure. Line thirty-two, after the word "evidence," insert the words "of the right of such Administrator to such property." Line thirty-three, strike out the words "of such property," and insert the word "thereof."

Strike out "Sec. 37," and insert "Sec. 34."

Strike out "Sec. 38," and insert "Sec. 35."

Strike out "Sec. 39," and insert "Sec. 36."

Strike out "Sec. 40," and insert "Sec. 37."

Strike out "Sec. 41," and insert "Sec. 38."

Strike out "Sec. 42," and insert "Sec. 39."

Strike out "Sec. 43," and insert "Sec. 40."

Strike out "Sec. 44," and insert "Sec. 41."

Strike out "Sec. 45," and insert "Sec. 42."

Add to Sec. 45 the following words: "*provided*, if such original instrument be lost or destroyed, and then in lieu thereof the claimant shall be required to file his affidavit, particularly describing such instrument, and stating the loss or destruction thereof, upon which affidavit the indorsement hereinbefore mentioned shall be made."

Strike out "Sec. 46," and insert "Sec. 43."

Strike out "Sec. 47," and insert "Sec. 44."

Strike out "Sec. 48," and insert "Sec. 45."

SEC. 48. Line eight, after the word "respects" insert the word "and."

Strike out "Sec. 49," and insert "Sec. 46."

Add to Sec. 49 the following words: "or other acts."

Strike out "Sec. 50," and insert "Sec. 47."

Strike out "Sec. 51," and insert "Sec. 48."

Strike out "Sec. 52," and insert "Sec. 49."

Strike out "Sec. 53," and insert "Sec. 50."

Strike out "Sec. 54," and insert "Sec. 51."

Strike out "Sec. 55," and insert "Sec. 52."

SEC. 55. Line six, strike out the words "as far as can be ascertained."

Strike out "Sec. 56," and insert "Sec. 53."

Strike out "Sec. 57," and insert "Sec. 54."

SEC. 57. Line two, after the word "amended," insert the words "to read."

Strike out "Sec. 58," and insert "Sec. 55."

Strike out "Sec. 59," and insert "Sec. 56."

Strike out "Sec. 60," and insert "Sec. 57."

SEC. 60. Line six, after the word "estate," insert the words "real or

personal." Lines seven and eight, strike out the words "or piece of the real estate."

Strike out "Sec. 61," and insert "Sec. 58."

Strike out "Sec. 62," and insert "Sec. 59."

Strike out "Sec. 63," and insert "Sec. 60."

Strike out "Sec. 64," and insert "Sec. 61."

Strike out "Sec. 65," and insert "Sec. 62."

Strike out "Sec. 66," and insert "Sec. 63."

Strike out "Sec. 67," and insert "Sec. 64."

Sec. 67. Line twenty-five, after the word "may," insert the words "on motion of the Executor, or Administrator, and after notice to the purchaser." Line twenty-six, add the following words: "If the amount realized on such resale do not cover the bid and the expenses of the previous sale, such purchaser shall be liable for the deficiency."

Strike out "Sec. 68," and insert "Sec. 65."

Sec. 68. Line thirteen, after the word "page," insert "of such record." Line thirty-two, strike out the words "or its representatives."

Strike out "Sec. 69," and insert "Sec. 66."

Sec. 66. Line nine, after the word "notices," insert "in three or more public places in the county where the land is situated."

Strike out "Sec. 70," and insert "Sec. 67."

Strike out "Sec. 71," and insert "Sec. 68."

Sec. 71. Line six, strike out the word "special," and insert the word "other."

Add to Sec. 71, the following words: "Such reservation of a portion of the purchase money shall not prevent the discharge of the mortgage, or lien, and no lien against any estate shall be affected by the statute of limitations pending the proceedings for the settlement of such estate."

Strike out "Sec. 72," and insert "Sec. 69."

Sec. 72. Line eight, strike out the words "however, the heir may be considered to be in possession of so much of the real estate as may be necessary," and insert after the word "partition," "of such estate the possession of the Executors, or Administrators, shall be deemed the possession of the heir, or devisee." Line twelve, after the word "heir," insert "or devisee."

Strike out "Sec. 73," and insert "Sec. 70."

Strike out "Sec. 74."

Strike out "Sec. 75," and insert "Sec. 71."

Strike out "Sec. 76," and insert "Sec. 72."

Sec. 76. Line nine, strike out the words "or other instrument, or act, as above provided, he," and insert the words "the court." Line thirteen, strike out the words "or to execute such other instrument, or perform such other act, in relation to such real estate."

Strike out "Sec. 77," and insert "Sec. 73."

Sec. 77. Line five, strike out the words "or other instrument, or to perform such act." Line fifteen, strike out the words "or other instrument, or to perform such act."

Strike out "Sec. 78," and insert "Sec. 74."

Strike out "Sec. 79."

Strike out "Sec. 80," and insert "Sec. 75."

Strike out "Sec. 81," and insert "Sec. 76."

Sec. 81. Line nine, after the word "the," insert "court, or."

Strike out "Sec. 82," and insert "Sec. 77."

Strike out "Sec. 83," and insert "Sec. 78."



Strike out "Sec. 84," and insert "Sec. 79."

Sec. 84. Line eighteen, strike out the word "of."

Strike out "Sec. 85," and insert "Sec. 80."

Sec. 85. Line eight, strike out the words "Auditors, or." Line twelve, strike out the words "Auditors, or."

Strike out "Sec. 86," and insert "Sec. 81."

Strike out "Sec. 87," and insert "Sec. 82."

Strike out "Sec. 88," and insert "Sec. 83."

Strike out "Sec. 89," and insert "Sec. 84."

Sec. 89. Line three, strike out the words "subsequent to the second term of the Probate Court."

Strike out "Sec. 90," and insert "Sec. 85."

Strike out "Sec. 91," and insert "Sec. 86."

Strike out "Sec. 92," and insert "Sec. 87."

Strike out "Sec. 93," and insert "Sec. 88."

Strike out "Sec. 94," and insert "Sec. 89."

Strike out "Sec. 95," and insert "Sec. 90."

Strike out "Sec. 96," and insert "Sec. 91."

Sec. 90. Line sixteen, after the word "satisfaction," insert the words "or in case of the minority of such party, then to the satisfaction of his, or her, Guardian."

Strike out "Sec. 97," and insert "Sec. 92."

Strike out "Sec. 98," and insert "Sec. 93."

Sec. 98. Line twelve, strike out all after the word "interested," to the word "upon," in line twenty-two.

Strike out "Sec. 99," and insert "Sec. 94."

Strike out "Sec. 100," and insert "Sec. 95."

Strike out "Sec. 101," and insert "Sec. 96."

Strike out "Sec. 102," and insert "Sec. 97."

Strike out "Sec. 103," and insert "Sec. 98."

Strike out "Sec. 104," and insert "Sec. 99."

Strike out "Sec. 105," and insert "Sec. 100."

Strike out "Sec. 106," and insert "Sec. 101."

Strike out "Sec. 107," and insert "Sec. 102."

Strike out "Sec. 108," and insert "Sec. 103."

Strike out "Sec. 109," and insert "Sec. 104."

Strike out "Sec. 110," and insert "Sec. 105."

Strike out "Sec. 111," and insert "Sec. 106."

Strike out "Sec. 112."

Strike out "Sec. 113," and insert "Sec. 107."

Strike out "Sec. 114," and insert "Sec. 108."

Strike out "Sec. 115," and insert "Sec. 109."

Strike out "Sec. 116," and insert "Sec. 110."

Strike out "Sec. 117," and insert "Sec. 111."

Strike out "Sec. 118," and insert "Sec. 112."

Strike out "Sec. 119," and insert "Sec. 113."

Strike out "Sec. 120," and insert "Sec. 114."

Sec. 120. Line two, strike out the word "abolished," and insert the word "repealed."

Strike out "Sec. 121," and insert "Sec. 115."

Sec. 121. Line two, insert after the word "in," the word "ninety."

And recommend its passage as amended.

SHARP,  
Chairman.

Report received, and with bill placed on file.

Mr. Sharp also made the following report :

Mr. PRESIDENT :—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration, and report as follows :

Senate Bill, No. 168, entitled An Act to amend an Act entitled An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty—and recommend its passage ;

Also, Assembly Bill, No. 98, entitled An Act to authorize the Administrator of the Estate of L. W. Boggs, deceased, to sell and convey Real Estate—and report the same back with the following amendments :

Strike out section two, and insert in lieu thereof, as follows :

SECTION 2. The Administrator shall make a full report of any sale, or sales, that he shall make by virtue of the powers herein granted, to the Probate court of the county, and the Judge of the court shall, either in term time or vacation, in open court or in chambers, examine the same, and confirm, or set aside the said sale or sales, as he may deem just and proper, and for the interests of said estates.

Strike out section three, and insert in lieu thereof, words as follows :

SEC. 3. After the approval of the sale, or sales, by the Probate Court, the Administrator shall convey to the purchaser, or purchasers, the property so sold, and receive the purchase money therefor ; and the titles so conveyed shall be valid, as if made under an order of the Probate Court, in due course of law—and recommend its passage as amended.

Also, Assembly Bill, No. 21, entitled An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and fifty-one—and recommend its indefinite postponement ;

Also, Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County—and recommend its passage.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

On motion of Mr. Edgerton, the rules were suspended, and Assembly Bill, No. 166, just reported from the Judiciary Committee, was taken up and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

HOUSE OF ASSEMBLY,  
March 7th, 1861. }

Mr. PRESIDENT :—The House, on yesterday, passed the following bills :

Assembly Bill, No. 82, An Act to authorize the sale of certain Real Estate, by Guardians ;

Also, Assembly Bill, No. 231, An Act for the payment of the claims of I. & S. Wormser, Assignees, etc.;

Also, Assembly Bill, No. 235, An Act to authorize the removal of Human Remains, in Stanislaus County.

J. W. SCOBEEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 82, above reported—was read first and second times, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendment concurred in, bill read a third time, and passed.

Mr. Sharp in the Chair.

Assembly Bill, No. 231, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 235, above reported—was read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. Eagan, by leave, presented the claim of Joseph Genella, for articles furnished the Committee Rooms at the present session.

Read, and referred to the Committee on Contingent Expenses.

Mr. Edgerton, by leave, presented the claim of Jordan & McPike, amounting to the sum of five thousand and forty dollars, for supplies furnished the command of Col. Hays, in the expedition against the Pi-Ute Indians.

Read, and referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Mr. Williamson, by leave, introduced a bill for An Act to transfer certain Funds.

Read first and second times, rules suspended, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill considered engrossed, and read a third time.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Warmcastle, Eagan, and Harvey, and taken with the following result: Ayes, 13—noes, 9:

**AYES**—Messrs. Burbank, Chase, Denver, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Haynes, Merritt, Rhodes, Sharp, and Williamson—13.

**NOES**—Messrs. Clark, Harvey, Irwin, Logan, Parks, Shafter, Thornton, Warmcastle, and Watt—9.

So the bill passed.

Mr. Watt, by leave, introduced a bill for An Act for the better protection of the Mines.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

Mr. Chase moved to reconsider the vote by which the resolution was adopted, on yesterday, fixing the fifteenth instant for taking a final vote on the Union Resolutions, etc.

Carried.

Mr. Chase then moved to amend, by striking out "Friday, the fifteenth," and inserting "Tuesday, the twelfth."

Mr. Burbank made a point of order—That the Senate, on yesterday, had inserted the words proposed to be stricken out, and therefore it was not in order to move to strike out, without first reconsidering the vote by which the Senate inserted the words.

The Chair ruled the point of order well taken.

Mr. Clark moved to reconsider the vote by which the Senate, on yesterday, inserted in the resolution the words "Friday, the fifteenth."

Carried.

Mr. Chase then renewed his motion to strike out "Friday, the fifteenth," and insert "Tuesday, the twelfth."

Carried.

Mr. Logan moved to amend, by inserting after the word "current," the words, "unless some Senator desires to speak to the resolutions.

Lost.

The resolution was then adopted as amended.

Senate Bill, No. 125, An Act to convey certain Real Estate—was read a third time, and passed.

#### GENERAL FILE.

Assembly Bill, No. 127, An Act to authorize James Camp and James M. Fry to remove certain Remains—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

No quorum present.

Mr. Merritt moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Clark, Crittenden, Dickinson, Irwin, Shafter, Thomas, Watson, and Watt.

Quorum present.

On motion of Mr. Warmcastle, further proceedings under the call were dispensed with.

On motion of Mr. Watt, leave of absence was granted to Mr. Watson for one day.

Senate Bill, No. 130, An Act to appropriate money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, ordered to be engrossed, and read a third time.

Mr. Edgerton, by leave, presented the petitions Of sundry citizens of Humboldt and San Mateo Counties, protesting against the passage of an Act, now before the Senate, providing for the appointment of a Lumber Inspector for the Port of San Francisco. •

Received, and referred to the Committee on Commerce and Navigation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
Saturday, February 7th, 1861. }

Mr. PRESIDENT :—The Assembly, on the fourth instant, passed the following bills:

Assembly Bill, No. 154, An Act to amend an Act entitled An Act fixing the time for holding the Courts of Session and County Court, in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 163, An Act to amend section twenty-second of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty;

Also, Assembly Bill, No. 198, An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty.

J. W. SCOBEEY.  
Assistant Clerk.

Assembly Bill, No. 154, above reported—was read first and second times, and referred to the Senator from Shasta.

Assembly Bill, No. 163, above reported—was read first and second times, and referred to the Yuba Delegation.

Assembly Bill, No. 198, above reported—was read first and second times, and referred to Senator Haynes.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 7th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your honorable body, that I have approved Senate Bill, No. 20, An Act in reference to Corporations organized in this State, for the purpose of Mining out of this State.

JOHN G. DOWNEY,  
Governor.

On motion of Mr. Logan, the Union Resolutions were taken up, and made the special order of the day for Tuesday next, at eleven and a half o'clock, A. M.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: D. J. WILLIAMSON, Assistant Secretary.

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IN SENATE.

SENATE CHAMBER, }  
Friday, March 8th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Haynes made the following report :

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom were referred sundry claims for Furniture and Fuel for the use of Committee Rooms—report that they have examined the same, find them correct, and recommend the payment thereof out of the Contingent Fund of the Senate, as follows :

Purpose.	Amount.
Joseph Genella, for Furniture. ....	\$19 25
Cook, Mott & Co. for Stove.....	18 25
Phil Caduc, for Coal.....	12 20
J. Shepherd, for Wood.....	2 50
Total.....	\$52 20

J. P. HAYNES,  
Chairman.

Report accepted.

Mr. Williamson made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 55, An Act concerning Conveyances ;

Also, Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba at the Woodville House—and report the same correctly engrossed.

C. V. WILLIAMSON,  
Of the Committee.

Report accepted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 8th, 1861. }

MR. PRESIDENT:—The Assembly on yesterday passed the following bills :

Senate Bill, No. 153, An Act to change the name of John H. D. Walson of the County of Butte ;

Also, Senate Bill, No. 159, An Act relating to the Thirteenth Judicial District and to define the time of holding the Courts in said District ;

Also, Senate Bill, No. 50, An Act to establish a standard of Weights and Measures, with amendments thereto, in which the concurrence of the Senate is requested ;

Also, adopted Assembly Concurrent Resolution, No. 38, Relative to the quota of Arms due this State by the General Government, and ask that the Senate concur therein ;

Also, refused to concur in Senate amendment to Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and request that the Senate recede therefrom ;

Also, passed Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library.

S. W. SCOBEE,  
Assistant Clerk.

Senate Bill, No. 50, above reported—was taken up, and Assembly amendments thereto concurred in.

Assembly Bill, No. 200, above reported—was taken up, when on motion of Mr. Sharp, the Senate receded from its amendment.

Assembly Concurrent Resolution, No. 38, above reported—was read and concurred in.

#### SPECIAL ORDER.

Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State, being the special order of the day for half past eleven o'clock, A. M.—was taken up.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Watson, Phelps, and Edgerton, and taken with the following result: Ayes, 14—noes, 10:

AYES—Messrs. Chase, DeLong, Eagan, Edgerton, Franklin, Harvey, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, and Warmcastle—14.

NOES—Messrs. Burbank, Crittenden, De la Guerra, Gallagher, Haynes, Logan, Thomas, Watkins, Watt, and Williamson—10.

So the bill passed.

#### INTRODUCTION OF BILLS.

Mr. Sharp, by leave, introduced a bill for An Act to authorize the Guardian of the minor Heirs of E. A. Farwell, deceased, to sell their Real Estate at private or public sale.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules further suspended, and bill considered engrossed, read a third time, and passed.

On motion of Mr. Sharp, the rules were further suspended, and the Secretary directed to report the bill just passed to the Assembly forthwith.

Mr. Sharp, by leave, introduced a bill for An Act extending Stewart Street in San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Burbank, by leave, introduced a bill for An Act appropriating Moneys for the benefit of the Home for the care of Inebriates, in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Public Morals.

Mr. Phelps, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the County of San Mateo to levy a special Tax for Road purposes.

Read first and second times, and referred to the Senator from San Mateo.

Mr. Burbank, by leave, presented the petition Of sundry Citizens of the City and County of San Francisco, praying for an appropriation of six thousand dollars for the benefit of the Home for the Care of Inebriates, in the City and County of San Francisco.

Read and referred to the Committee on Public Morals.

On motion of Mr. Phelps, Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—was taken from the table, and re-referred to the Senator from San Mateo, with special instructions to amend as follows :

After the word "Oakland," in lines fourteen and fifteen, insert the words "or within one and a half miles of the State Prison grounds at Point San Quentin," and after the word "cities," in line eighteen, insert the words "or within one and a half miles of the State Prison grounds aforesaid."

Mr. Phelps, by leave, reported Senate Bill, No. 83, back to the Senate forthwith amended as required by the special instructions.

Report accepted, amendment adopted, and bill passed as amended.

#### GENERAL FILE.

Senate Bill, No. 35, An Act concerning Conveyances—was taken up, read a third time, and passed.

Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 98, An Act to authorize the Administrator of the estate of L. W. Boggs, deceased, to sell and convey Real Estate—was considered in Committee of the Whole, and amendments reported by the Judiciary Committee adopted.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 21, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and fifty-one—was taken up, and on motion of Mr. Warmcastle, laid on the table.

Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estate of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereof—was taken up, and on motion of Mr. Phelps, laid on the table, and report of the Judiciary Committee thereon ordered to be printed.

Senate Bill, No. 60, An Act to provide for the payment of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six—was taken up, and made the special order of the day for Tuesday next at half past eleven o'clock, A. M.

Mr. Denver made the following report :

MR. PRESIDNET:—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library—and at twelve o'clock, M. of this day delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

March 8th, 1861.



On motion of Mr. Williamson, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, March 9th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

### PETITIONS.

Mr. Phelps presented a petition from the Pacific Coal Company, together with a bill in relation thereto, entitled An Act to enable the Pacific Coal Company to make a Railroad from its Mines.

Read first and second times, and referred to the delegations from Sacramento, San Joaquin, and Contra Costa.

Mr. Shafter presented a petition from the Directors and Stockholders of the California Mutual Marine Insurance Company, praying for an amendment to the Stamp Act, so as to release all domestic Insurance Companies from the necessity of stamping their Policies.

Referred to the Judiciary Committee.

Mr. Rhodes re-presented the petition and claim of Wm. L. Patterson, for services as Deputy Marshal of the City of San José, in arresting one Hernandez.

Referred to the Committee on Claims.

### REPORTS.

Mr. Vance, Chairman of the Committee on Public Morals, made a verbal report, recommending the passage of Senate Bill, No. 73, An Act appropriating Money for the benefit of the Home for the Care of the Inebriates in the City and County of San Francisco.

Report received, and bill placed on file.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills, have examined and found correctly engrossed, Senate Bill, No. 130, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis;

Also, Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands;

Also, Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Association, of the County of Contra Costa, to sell or mortgage the Real Estate, or other property, belonging to the Association, for certain purposes;

Also, Senate Bill, No. 128, An Act concerning the City of San José,

and to ratify and confirm a certain Ordinance of the Common Council of said City;

Also, Senate Bill, No. 53, An Act for the protection of Water Companies.

MERRITT,  
Chairman.

Report accepted.

Mr. Denver made the following report:

Mr. PRESIDENT:—At one and a quarter o'clock, P. M. on the eighth day of March, eighteen hundred and sixty-one, I delivered to the Governor, for his approval, Senate Bill, No. 101, An Act relating to the Sureties of C. F. Lynn, late Treasurer of Trinity County;

Also, Senate Bill, No. 127, An Act to authorize the issuance of Duplicates of certain School Land Warrants, for the benefit of Thomas Thompson;

Also, Senate Bill, No. 144, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes, for the year eighteen hundred and sixty-one.

A. ST. C. DENVER,  
Chairman.

Report accepted.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 156, An Act entitled An Act to grant certain Wharf privileges to Paul Shirley, and T. B. Stover, and their Assigns—have had the same under consideration, and report it back with amendments, and recommend its passage as amended:

SECTION 3. The Board of Supervisors of the County of Solano, shall from time to time fix the rates of wharfage to be collected at said Wharf; and said Shirley & Stover, and their Assigns, may from time to time charge and collect such wharfage as may be prescribed by the Board of Supervisors of Solano County. The rates of wharfage which may be prescribed under the provisions of this act, shall be conspicuously posted upon said wharf.

SEC. 4. The franchise hereby granted, shall extend for a period of twenty years; at the expiration of which time, the said wharf, with all its appurtenances, shall revert to the State.

After the word "tolls," in the seventh line, insert the word "thereon."

JAMES T. RYAN,  
Chairman.

Report received, rules suspended, bill considered in Committee of the Whole, and amendments reported by the committee, adopted.

#### IN SENATE.

Reported back, and amendments concurred in, rules further suspended, bill considered engrossed, read a third time and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill just passed, to the Assembly, forthwith.

Mr. Logan made the following report:

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 154, entitled An Act to amend an Act entitled An Act fixing the time for holding the Courts of Sessions and County Courts, in the County of Shasta, and to change the manner of summoning Jurors for the County Court of said County, approved March eighteenth, eighteen

hundred and fifty-nine—has had the same under consideration, and report the same back, recommending its passage.

J. LOGAN,  
Senator Thirteenth District.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, read a third time, and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 8th, 1861.

*To the Honorable the Senate of California:*

I herewith transmit a copy of a communication addressed to me by Sylvester Mowry, Esq. United States Commissioner, and received this morning.

As the subject matter of this communication is of much interest to the State, I deem it proper to earnestly call your attention again to the necessity of speedily devising some way that the State may be legally represented in establishing the initial point and Survey of the Boundary Line between the Territories of the United States and California.

In my Annual Message, I urged the importance of prompt action on the part of the Legislature, in the following language: "The Commission on the part of the United States, in full force, is now in the field, and I trust that you will, at the earliest day practicable, provide for the legal co-operation on the part of California, in a work so much needed."

I conceive it my duty to further inform your honorable body that there has been, since the return of the Surveyor-General and party from operations in ascertaining that portion of the line contemplated by the act of eighteen hundred and sixty, a camp in the field, under expense to the State, awaiting the action of the Legislature in this behalf—ready to be turned over to the Commissioner that may be appointed to represent the State. This, in itself, is a good reason for early action on the part of the Legislature, and one that I trust will not be overlooked.

JOHN G. DOWNEY,  
Governor.

Read, and referred to the Committee on Federal Relations.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 8th, 1861.

*To the Honorable the Senate of California:*

I have to inform your honorable body, that I have approved Senate Bill, No. 127, An Act to authorize the issuance of Duplicates of certain School Land Warrants, for the benefit of Thomas Thompson;

Also, Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library;

Also, Senate Bill, No. 144, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes, for the year eighteen hundred and sixty-one.

JOHN G. DOWNEY,  
Governor.

## INTRODUCTION OF BILLS.

Mr. Burbank, by leave, introduced a bill for An Act to legalize and confirm certain sales of the interest of the State of California, in property situated in the City of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

Mr. Chase, by leave, introduced a bill for An Act supplementary to an Act to provide for the location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, approved April second, eighteen hundred and fifty-nine.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Heacock, by leave, introduced a bill for An Act in relation to the entry of Lands in certain cases.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Edgerton, by leave, introduced a bill for An Act to authorize the parties therein named, to construct and maintain a Ferry and Wharfs.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Edgerton presented the claim of William Boyle and Thomas Keene, for the sum of ten thousand dollars damages, claimed to be due them for the non-performance, on the part of the State, of a certain contract made between them and James M. Estill, as lessee of the State Prison—which, together with the agreement, was referred to the Committee on Claims.

Mr. Edgerton, by leave, presented a petition or memorial from ship owners, consignees, and merchants, of San Francisco, recognizing the policy of allowing Pilots half pilotage when they offer their services to a vessel liable to take a Pilot, and those services are refused, etc.

Read and referred to the Committee on Commerce and Navigation.

Mr. Watson, by leave, introduced a bill for An Act supplementary to, and to amend An Act concerning the debt and current expenses of the County of Monterey, and to provide for the funding and payment of the same, approved April nineteenth, eighteen hundred and fifty-six, and to amend the amendments thereto, approved March eighteenth, eighteen hundred and fifty-seven, and to provide for the building of a Bridge and making Roads in Monterey County.

Read first and second times, rules suspended, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 53, An Act for the protection of Water Companies—was taken up.

Mr. DeLong moved that the bill be made the special order of the day for Friday next at twelve o'clock, m. and that the usual number of copies be ordered printed.

A division of the question being called for, the motion to make a special order—was first put, and carried.

The question recurring on the motion to print—was put, and lost.

Senate Bill, No. 128, An Act concerning the City of San José, and to ratify and confirm a certain Ordinance of the Common Council of said City—was taken up, read a third time, and passed.

Senate Bill, No. 130, An Act to appropriate Money to pay Counsel em-

ployed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis—was read a third time, and passed.

Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands—was read a third time, and passed.

Mr. Gallagher made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 156, An Act to grant certain Wharf Privileges to Paul Shirly and T. B. Storer, and their Assigns—and they find the same correctly engrossed.

P. A. GALLAGHER,  
For the Committee.

March 9th, 1861.

Report accepted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 9th, 1861. }

Mr. PRESIDENT:—I am directed by the Assembly to inform the Senate that the Assembly this day passed Senate Bill, No. 171, An Act transferring certain Funds.

J. M. ANDERSON,  
Clerk of Assembly.

ASSEMBLY CHAMBER,  
March 9th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly is ready to meet the Senate in Joint Convention, and that the Assembly Chamber will be ready for the reception of the Senate in ten minutes.

J. W. SCOBEY,  
Assistant Clerk.

On motion the Senate took a recess for ten minutes.

Twelve o'clock, M. the recess having expired, the Senate was called to order.

The President in the Chair.

Roll called.

Absent—Mr. Leet.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 9th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly is ready to meet the Senate in Joint Convention for the purpose of electing a United States Senator to fill the vacancy occasioned by the expiration of the term of the Hon. W. M. Gwin.

J. M. ANDERSON,  
Clerk.

On motion of Mr. Dickinson, the Senate proceeded to the Assembly Chamber to meet in Joint Convention for the purpose specified in the above message.

## IN JOINT CONVENTION.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Present—Messrs. Burbank, Chase, Clark, Crittenden, DeLong, Denver, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, and Mr. President.

Absent—Mr. Leet.

Assembly Roll called.

Present—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Burnell, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker.

Absent—Mr. Gregory.

The Secretary of the Senate read the Senate Concurrent Resolution by the authority of which the Convention met.

The President declared the Convention duly organized and ready for business.

Mr. Merritt offered the following resolution :

*Resolved*, That this Convention now proceed to ballot for a United States Senator to fill the vacancy occasioned by the expiration of the term of Hon. Wm. M. Gwin, and that as each member's name is called he shall rise in his place and announce the name of the person for whom he votes without explanation or discussion.

Adopted.

On motion of Mr. Patrick, Messrs. Logan, of the Senate, and Sorrel, of the Assembly, were appointed Tellers.

The President here announced nominations to be in order.

Mr. Amyx nominated John B. Weller.

Mr. Burbank nominated T. G. Phelps.

Mr. Ryan nominated J. A. McDougall.

Mr. Watt nominated John Nugent.

Mr. Wood of Plumas nominated J. W. Denver.

Mr. Smith of Tulare, nominated G. W. Bowie.

Mr. Miller nominated J. P. Hoge.

Mr. Lalor nominated N. E. Whitesides.

There being no further nominations, the roll was called with the following result :

Names.	Denver ....	McDougall.	Nugent....	Phelps .....	Weller.....	Whitesides.	Hoge .....	Bowie .....
Burbank .....	1			1				
Chase .....		1						
Clark .....		1						
Crittenden .....						1		
De la Guerra.....			1					
DeLong .....		1						
Denver.....	1							
Dickinson .....					1			
Eagan .....					1			
Edgerton.....		1						
Franklin.....					1			
Gallagher .....			1					
Harvey .....		1						
Haynes .....	1							
Heacock .....				1				
Hill.....		1						
Irwin .....		1						
Logan .....	1							
Merritt .....					1			
Parks .....					1			
Pico .....					1			
Rhodes.....				1				
Ryan .....		1						
Shafter .....				1				
Sharp .....		1						
Thomas.....		1						
Thornton.....					1			
Vance.....					1			
Warmcastle.....					1			
Watkins.....	1							
Watson .....			1					
Watt .....			1					
Williamson.....					1			
Amyx.....					1			
Avery .....				1				
Baechtel .....					1			
Banks .....				1				
Blair.....				1				
Bradley .....					1			
Briggs.....				1				
Burnell .....		1						
Buell .....	1							
Campbell.....				1				
Chandler .....					1			
Cherry .....				1				
Childs.....			1					
Clark.....				1				
Coleman .....	1							

Names.	Denver ....	McDougall..	Nugent ....	Phelps .....	Waller .....	Whitesides..	Hoge .....	Bowie .....
Coltrin .....		1						
Conness .....		1						
Councilman.....				1				
Covarrubias .....		1						
Crocker .....				1				
Curtis .....	1							
Denniston .....		1						
Doughterty.....		1						
Durst ...		1						
Eastman .....		1						
Fargo .....				1				
Flanders .....				1				
Ford .....				1				
Foster .....	1							
Gillette .....					1			
Gordon.....					1			
Green .....		1						
Hagans .....	1							
Hanson .....						1		
Harriman .....				1				
Harris .....	1							
Harrison .....	1							
Haun .....						1		
Henderson .....		1						
Hill.....		1						
Holman .....					1			
Horrell .....			1					
Hunter .....		1						
Johnson .....					1			
Kungle .....						1		
Lalor .....						1		
Laspeyre .....					1			
Lippincott .....			1					
Magruder .....					1			
Miller .....							1	
Montgomery .....					1			
Morgan .....				1				
Morrison .....	1							
Munday .....			1					
O'Brien .....			1					
Patrick .....					1			
Piercy .....	1							
Porter .....				1				
Powell .....		1						
Ross.....					1			
Scott .....					1			
Showalter.....					1			
Smith of Tulare.....								1



NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Whitesides	Hoge.....	Bowie....
Smith of Placer.....							1	
Sorrel .....					1			
Spence .....				1				
Stearns .....		1						
Tilden .....		1						
Tilton .....				1				
Tittel .....				1				
Walden....	1							
Walter .....		1						
White .....	1							
Willey .....				1				
Wood of Plumas .....	1							
Wood of Yolo.....					1			
Wright.....		1						

Mr. Phelps voted for Mr. Heacock.

Mr. Kurtz voted for Mr. Creanor.

Whole number of votes cast, one hundred and twelve.

Necessary to a choice, fifty-seven.

Mr. Denver received sixteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received nine votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received twenty-seven votes.

Mr. Whitesides received five votes.

Mr. Hoge received two votes.

Mr. Bowie received one vote.

Mr. Heacock received one vote.

Mr. Creanor received one vote.

There being no election—no one having received a majority of all the votes cast—

#### FOR U. S. SENATOR—SECOND BALLOT.

The Secretary called the roll for a second ballot, with the following result:

NAMES.	Denver...	McDougall	Nugent...	Phelps....	Weller....	Whitesides	Hoge.....	Bowie.....
Burbank.....				1				
Chase .....		1						
Clark.....		1						
Crittenden. ....						1		

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Waller....	Whitealoes	Hoge.....	Bowie....
De la Guerra.....			1					
DeLong .....			1					
Denver.....	1							
Dickinson.....					1			
Eagan .....					1			
Edgerton .....		1						
Franklin .....					1			
Gallagher .....			1					
Harvey.....		1						
Haynes.....	1							
Heacock .....				1				
Hill .....		1						
Irwin .....		1						
Logan.....	1							
Merritt.....					1			
Parks .....					1			
Pico.....					1			
Rhodes.....				1				
Ryan .....		1						
Shafter.....				1				
Sharp .....		1						
Thomas .....		1						
Thornton .....					1			
Vance .....	1							
Warmcastle .....					1			
Watkins .....	1							
Watson.....			1					
Watt .....			1					
Williamson .....					1			
Amyx.....					1			
Avery .....				1				
Baehtel.....					1			
Banks .....				1				
Blair.....				1				
Briggs.....				1				
Burnell.....		1						
Buell .....	1							
Campbell .....				1				
Chandler .....					1			
Cherry .....				1				
Childs .....			1					
Clark .....				1				
Coleman.....	1							
Coltrin .....		1						
Conness .....		1						
Councilman .....				1				
Covarrubias.....		1						
Crocker .....				1				

NAMES.	Denver....	McDougall	Nugent ...	Phelps....	Weller....	Whitesides	Hoge.....	Bowie....
Curtis .....	1							
Denniston .....		1						
Dougherty.....		1						
Durst .....		1						
Eastman.....		1						
Fargo .....				1				
Flanders.....				1				
Ford .....				1				
Foster.....	1							
Gillette.....					1			
Gordon .....					1			
Green .....		1						
Hagans.. .....	1							
Hanson.....						1		
Harriman.....				1				
Harris.....	1							
Harrison.....	1							
Haun.....						1		
Henderson.....		1						
Hill .....		1						
Holman .....					1			
Horrell.....			1					
Hunter .....		1						
Johnson .....			1					
Kungle .....						1		
Lalor .....						1		
Laspeyre .....					1			
Lippincott .....			1					
Magruder.....						1		
Miller .....							1	
Montgomery .....					1			
Morgan.....				1				
Morrison .....	1							
Munday .....			1					
O'Brien .....			1					
Patrick.....					1			
Piercy .....	1							
Porter.....				1				
Powell .....		1						
Ross .....					1			
Scott.....					1			
Showalter .....					1			
Smith of Tulare .....								1
Smith of Placer.....							1	
Sorrel .....					1			
Spence .....				1				
Stearns .....		1						
Tilden.....		1						

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Weller....	Whitesides	Hoge.....	Bowie....
Tilton.....				1				
Tittel.....				1				
Walden.....	1							
Walter.....		1						
White.....	1							
Willey.....				1				
Wood of Plumas.....	1							
Wood of Yolo.....					1			
Wright.....		1						

Mr. Phelps voted for Mr. Heacock.

Mr. Kurtz voted for Mr. Creanor.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Denver received seventeen votes.

Mr. McDougall received twenty-six votes.

Mr. Nugent received eleven votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received twenty-three votes.

Mr. Whitesides received six votes.

Mr. Hoge received two votes.

Mr. Creanor received one vote.

Mr. Bowie received one vote.

Mr. Heacock received one vote.

Mr. Lalor withdrew the name of Mr. Whitesides.

There being no election, no one having received a majority of all the votes—

#### FOR U. S. SENATOR—THIRD BALLOT.

The Secretary called the roll for a third ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent....	Phelps...	Waller....	Hoge.....	Bowie.....
Burbank.....				1			
Chase.....		1					
Clark.....		1					
De la Guerra.....			1				
De Long.....			1				
Denver.....	1						
Dickinson.....					1		
Eagan.....			1				
Edgerton.....		1					

NAMES.	Denver....	McDougall	Nugent....	Phelps...	Waller....	Hoge.....	Bowie....
Franklin .....					1		
Gallagher .....			1				
Harvey.....		1					
Haynes.....	1						
Heacock .....				1			
Hill.....		1					
Irwin.....		1					
Logan .....	1						
Merritt .....					1		
Parks .....					1		
Pico .....					1		
Rhodes .....				1			
Ryan.....		1					
Shafter .....				1			
Sharp .....		1					
Thomas.....		1					
Thornton.....					1		
Vance .....					1		
Watkins.....	1						
Watson.....			1				
Watt .....			1				
Williamson .....					1		
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Blair ...				1			
Briggs .....				1			
Burnell .....		1					
Buell .....	1						
Campbell .....				1			
Chandler .....					1		
Cherry .....				1			
Childs.....			1				
Clark.....				1			
Coleman .....	1						
Coltrin .....		1					
Conness .....		1					
Councilman.....				1			
Covarrubias .....		1					
Crocker .....				1			
Curtis .....	1						
Denniston .....		1					
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo .....				1			
Flanders .....				1			

NAMES.	Denver....	McDougal	Nugent....	Phelps....	Weller....	Hoge.....	Bowie....
Ford .....				1			
Foster.....	1						
Gillette .....					1		
Gordon .....					1		
Green.....		1					
Hagans.....	1						
Hanson.....					1		
Harriman.....				1			
Harris .....	1						
Harrison .....	1						
Henderson.....		1					
Hill .....		1					
Holman .....					1		
Horrell .....			1				
Hunter.....		1					
Johnson.....			1				
Lalor .....			1				
Laspeyre.....					1		
Lippincott.....			1				
Magruder .....					1		
Miller.....						1	
Montgomery .....					1		
Morgan .....				1			
Munday.....			1				
O'Brien .....			1				
Patrick.....					1		
Piercy.....	1						
Porter.....				1			
Powell .....		1					
Ross .....					1		
Scott.....					1		
Showalter.....					1		
Smith, of Tulare.....							1
Smith, of Placer.....						1	
Sorrel .....					1		
Spence.....				1			
Stearns .....		1					
Tilden.....		1					
Tilton .....				1			
Tittel .....				1			
Walden.....	1						
Walter.....		1					
White .....	1						
Willey .....				1			
Wood, of Plumas .....	1						
Wood, of Yolo.....					1		
Wright .....		1					

Those who voted for Mr. Creanor were—  
Messrs. Crittenden, Warmcastle, Haun, Kungle, and Kurtz.

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and ten.  
Necessary to a choice, fifty-six.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-six votes.

Mr. Nugent received thirteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received twenty-four votes.

Mr. Hoge received two votes.

Mr. Creanor received five votes.

Mr. Bowie received one vote.

Mr. Heacock received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Lalor moved that the convention adjourn *sine die*.

Lost.

#### FOR U. S. SENATOR—FOURTH BALLOT.

The Secretary then called the roll for a fourth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Weller....	Hoge .....	Bowie ....
Burbank.....				1			
Chase.....		1					
Clark.....		1					
De la Guerra.....			1				
De Long.....			1				
Denver.....	1						
Dickinson .....					1		
Eagan.....			1				
Edgerton .....		1					
Franklin .....					1		
Gallagher.....			1				
Harvey .....		1					
Haynes.....	1						
Heacock .....				1			
Hill.....		1					
Irwin .....		1					
Logan.....	1						
Parks .....					1		
Pico .....					1		
Rhodes .....				1			
Ryan.....		1					
Shafter.....				1			
Sharp.....		1					
Thomas .....		1					
Watkins.....	1						

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Waller....	Hoge.....	Bowle....
Watson .....			1				
Watt.....			1				
Williamson .....					1		
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Blair .....				1			
Briggs .....				1			
Burnell .....		1					
Buell .....	1						
Campbell .....				1			
Chandler .....					1		
Cherry .....				1			
Childs .....			1				
Clark .....				1			
Coleman .....	1						
Coltrin .....		1					
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Crocker .....				1			
Curtis .....	1						
Denniston .....		1					
Dougherty.....		1					
Durst .....		1					
Eastman .....			1				
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster .....	1						
Gillette .....					1		
Gordon .....					1		
Green .....		1					
Hagans .....	1						
Hanson .....					1		
Harriman .....				1			
Harris .....	1						
Harrison .....	1						
Haun .....					1		
Henderson .....		1					
Hill .....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Kungle .....					1		
Lalor .....			1				
Lippincott .....			1				



NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Miller.....						1	
Montgomery.....					1		
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy.....	1						
Porter.....				1			
Powell.....		1					
Ross.....			1				
Smith, of Placer... ..						1	
Smith of Tulare.....							1
Sorrel.....					1		
Spence.....				1			
Stearns.....		1					
Tilden.....		1					
Tilton.....				1			
Tittel.....				1			
Walden.....	1						
Walter.....		1					
White.....	1						
Willey.....				1			
Wood, of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor were—

Messrs. Crittenden, Merritt, Thornton, Vance, Warmcastle, Johnson, Kurtz, Laspeyre, Magruder, Scott, Showalter, and Wood, of Yolo.

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Denver received sixteen votes.

Mr. McDougall received twenty-five votes.

Mr. Nugent received fourteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received seventeen votes.

Mr. Creanor received twelve votes.

Mr. Hoge received two votes.

Mr. Heacock received one vote.

Mr. Bowie received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Flanders moved to adjourn for one week, to Saturday March sixteenth, eighteen hundred and sixty-one, at twelve o'clock, M.

Lost.

Mr. Ryan moved that when the convention does adjourn, it adjourn to meet on Monday, March eleventh, eighteen hundred and sixty-one, at two o'clock P. M.

Carried.

Mr. Tittel moved that the convention do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt and Parks of the Senate, and Showalter of the Assembly, and taken with the following result: Ayes, 53—noes, 55:

**AYES**—Messrs. Burbank, Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Heacock, Parks, Phelps, Shafter, Sharp, Thornton, Vance, Warmcastle, Watkins, Williamson, Amyx, Avery, Burnell, Campbell, Chandler, Coleman, Councilman, Covarrubias, Crocker, Curtis, Denniston, Durst, Eastman, Fargo, Flanders, Foster, Gillette, Green, Hanson, Harrison, Haun, Holman, Hunter, Kungle, Kurtz, Montgomery, Morgan, Munday, Smith of Tulare, Smith of Placer, Spence, Tilton, Tittel, Walden, White, and Wood of Plumas—53.

**NOES**—Messrs. Chase, Clark, DeLong, Edgerton, Gallagher, Harvey, Haynes, Hill, Irwin, Logan, Merritt, Pico, Rhodes, Ryan, Thomas, Watson, Watt, Baechtel, Banks, Blair, Buell, Cherry, Childs, Clarke, Coltrin, Conness, Dougherty, Ford, Gordon, Hagans, Harriman, Harris, Henderson, Hill, Horrell, Johnson, Lalor, Laspeyre, Lippincott, Magruder, Miller, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Showalter, Sorrell, Stearns, Tilden, Walter, Wood of Yolo, and Wright—55.

So the convention refused to adjourn.

FOR U. S. SENATOR—FIFTH BALLOT.

The Secretary called the roll for a fifth ballot, with the following result:

NAMES.	Denver....	McDougal	Nugent ...	Phelps ....	Waller ....	Hoge .....	Bowie .....
Burbank.....				1			
Chase .....		1					
Clark .....		1					
De la Guerra .....			1				
Dickinson.....					1		
Eagan .....			1				
Edgerton .....		1					
Franklin.....					1		
Gallagher.....			1				
Harvey .....		1					
Haynes.....	1						
Heacock .....				1			
Hill.....		1					
Irwin .....		1					
Logan .....	1						
Merritt .....					1		
Parks .....					1		
Pico .....					1		
Rhodes .....				1			

NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Weller ...	Hoge .....	Bowie ....
Ryan .....		1					
Shafter .....				1			
Sharp .....		1					
Thomas.....		1					
Thornton .....					1		
Watkins.....	1						
Watson .....			1				
Watt .....			1				
Williamson.....					1		
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Briggs .....				1			
Burnell .....		1					
Buell.....	1						
Campbell .....				1			
Chandler.....					1		
Cherry .....				1			
Childs .....			1				
Clarke .....				1			
Coleman.....	1						
Coltrin .....		1					
Conness .....		1					
Councilman.....				1			
Covarrubias .....		1					
Crocker.....				1			
Curtis.....	1						
Denniston .....		1					
Dougherty .....		1					
Durst.....		1					
Eastman.....			1				
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster.....	1						
Gillette.....			1				
Gordon .....					1		
Green .....		1					
Hagans .....	1						
Hanson .....					1		
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Henderson .....		1					
Hill .....		1					
Horrell .....			1				
Hunter .....		1					

NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie ....
Johnson .....			1				
Kungle .....					1		
Lalor.. .....			1				
Lippincott.....			1				
Magruder .....					1		
Miller .....						1	
Montgomery .....					1		
Morgan.....				1			
Munday .....			1				
O'Brien.....			1				
Patrick .....					1		
Piercy .....	1						
Porter .....				1			
Powell.....		1					
Ross .....			1				
Scott .....			1				
Showalter.....					1		
Smith of Tulare.....							1
Smith of Placer.....						1	
Sorrel .....					1		
Spence ....				1			
Stearns.. ..		1					
Tilden .....		1					
Tilton .....				1			
Tittel.....				1			
Walden.....	1						
Walter .....		1					
White .....	1						
Wood of Plumas.....	1						
Wood of Yolo.. ..					1		
Wright.....		1					

Those who voted for Mr. Creanor, were—

Messrs. Crittenden, Vance, Warmcastle, Haun, Holman, Kurtz, and Laspeyre.

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-five votes.

Mr. Nugent received sixteen votes.

Mr. Phelps received twenty-one votes.

Mr. Weller received nineteen votes.

Mr. Creanor received seven votes.

Mr. Hoge received two votes.

Mr. Heacock received one vote.

Mr. Bowie received one vote.

On motion of Mr. Kungle, the Convention adjourned, whereupon the Senate proceeded to its chamber.

IN SENATE.

President in the Chair.

On motion of Mr. Burbank, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Monday, March 11th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

REPORTS.

Mr. Denver made the following report:

Mr. SPEAKER:—Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 171, An Act to transfer certain Funds—and at forty-five minutes past two o'clock, P. M. delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

Report accepted.

Mr. Sharp made the following report:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate Bill, No. 169, entitled An Act to amend an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven—having had the same under consideration, report the same back, and recommend its passage.

SHARP,  
Chairman.

Report received, and with bill placed on file.

Mr. Ryan made the following report:

Mr. SPEAKER:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 154, an act entitled An Act in relation to the Water-Front adjacent to Block Number Nine in the City and County of San Francisco—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Amend section one, by inserting after the word "use," in sixth line from beginning the words "for the period of thirty years from the date of the passage of this act."

Also, in the thirteenth line from beginning of same section, insert the word "shall" after the word "obstruction."

Also, strike out two last lines of said section, and insert the words "free navigation."

JAS. T. RYAN,  
Chairman.

Report received, and with bill placed on file.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty;

Also, Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the outstanding indebtedness of the County of Contra Costa—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 158, entitled An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street in the City and County of San Francisco—have had the same under consideration and report the same back with amendments and recommend its passage as amended.

Section four, line two, after the word "year," insert "and shall be completed within three years."

Section four, line three, after word "commenced," insert words "and completed as herein provided."

Section four, line four, strike out word "and," and insert in lieu thereof the word "provided."

Section five, line three, after word "wharf," insert word "company."

Section five, lines four and five, strike out words "completion of," and insert words "time when they shall commence to use."

Section two, line four, strike out word "net," and insert in lieu thereof the word "gross."

Section two, lines four and five, strike out the words "or fifteen per centum of the gross proceeds."

Section two, lines four and five, strike out the words "from its completion."

Section two, on last line of the section, strike out the words "change under and by virtue of this act," and insert in lieu thereof words "and collected at said wharf."

Section three, line two, strike out all after the word "San Francisco," and insert words "within two hundred feet of said wharf on either side beyond the line of the city water front as established by law."

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Phelps made the following report:

Mr. PRESIDENT:—The delegations from San Francisco and San Mateo, to whom was referred Senate Bill, No. 174, An Act to authorize the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes—have had the same under consideration and report the bill back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Section three, line five, strike out the words "one month," and insert "two weeks."

Insert at the beginning of section four, and after figure 4, the following: "As soon as the said Board of Supervisors shall have made such levy they may proceed to let contracts for the improvement of said road in accordance with the provisions of the preceding section, stating in their notices that they have made the levy authorized by this act, and that payment for the work contracted for will be made as soon as the money arising therefrom shall come into the Treasury."

SEC. 4. Strike out all of line two. Line nine, after the word "fund," insert "or will come into said Fund through the levy authorized by this Act."

PHELPS,

For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole, and amendments reported by the committee adopted.

#### IN SENATE.

Reported back, and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps also made the following report:

MR. PRESIDENT:—The San Francisco Delegation, to whom was referred Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—have had the same under consideration and report the bill back with amendments and recommend the adoption of the amendments and the passage of the bill as amended.

Section three, line one, strike out the word "complete," and insert "commence within one year and."

At the end of line two, insert "shall complete."

Section four, line five, strike out "may," and insert "shall."

Line six, after the word "determined," insert "unless such failure be caused by the refusal of the United States authorities to permit the construction of the same."

Section five, at the end of line eight, insert not to exceed the rates now allowed by law to be levied and collected on the Mission Street Road."

Section six, line three, after the word "nevertheless," insert the words "to the condition."

Line ten, strike out the words "said road," and insert "the structure and improvements made by them."

Strike out all of section seven.

PHELPS,

For the Delegation.

Report received, and with bill, placed on file.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 9th, 1861. }

*To the Honorable the Senate of California:*

I herewith return to your honorable body Senate Bill, No. 152, entitled *An Act to change the Venue in the case of Horace Smith*—with my objections thereto.

Article three, section one, of the Constitution of this State, under the head of distribution of powers, reads as follows:

"The powers of the government of the State of California shall be divided into three separate department—the Legislative, the Executive, and Judicial—and persons charged with the exercise of powers properly belonging to one of these departments shall not exercise any functions appertaining to either of the others."

This act, to my mind, if suffered to become a law, would be in palpable violation of the spirit, meaning, and intention, of this clause of the Constitution.

The case of Horace Smith is now pending in the District Court of the Twelfth Judicial District for the county of San Francisco on an indictment for murder, and a motion is made for a change of venue from that county to the county of Placer, predicated upon the affidavit of the defendant, that he could not have a fair and impartial trial in the county of San Francisco, and that five-sixths of defendant's witnesses lived in the county of Placer. The court, in the exercise of the discretion properly belonging to this department of the government, decided against this motion; and the defendant, instead of exhausting his remedy by appealing to the Supreme Court, as provided in section four hundred and eighty-one of An Act regulating proceedings in Criminal Cases, approved April twenty-second, eighteen hundred and fifty-eight, which reads as follows:

"The party aggrieved in a criminal action, whether that party be the people, or the defendant, may appeal as follows:

*Second*—To the Supreme Court from a final judgment of the District Court, or Court of Sessions, in all criminal cases amounting to felony; also, from an order of the District Court, or Court of Sessions, granting or refusing a new trial, or which affects a substantive right in a criminal case amounting to felony," appeals to the Legislature, who by this act sets aside the decision of the court, thereby performing a judicial act, from which, by the fundamental law it is expressly prohibited; and upon this point the decision of our Supreme Court in 5 Cal. Reports, page 74, is very explicit.

The court say: "The Legislature cannot exercise judicial functions, and therefore cannot except one case or one party from the operation of a general rule of law, either as to right or remedy."

This act plainly proposes to except this party from a general rule of law, for in vain may we search for authority to justify the passage of such an act.

In eighteen hundred and fifty-seven a similar act to this was attempted to be passed by our Legislature for the benefit of Edward McGowan. It was referred to the Judiciary Committee of the Assembly, who promptly repudiated it, and reported a substitute making a general law to meet the case, as it was found that a special law could not be passed through the Legislature.

The lengthy preamble in this bill, following the title and preceding the enacting clause, sets forth several facts of which I have no knowledge; and although the Legislature may have had information that is not within my reach, yet I cannot subscribe to a set of recitals which are entirely unsupported by evidence.

Among these are recited that "the defendant cannot have a fair and impartial trial in San Francisco." The only party, in my judgment, capable of determining this is the court, and even the court can only determine this when it impanels its jurors, and find then whether the public mind is biased or not. The court then, I say, is the party to deter-



mine this, and not the Legislature, as the latter has no proof before it save the affidavit of the defendant.

The title of this bill is An Act to change the Venue in the case of Horace Smith, and in the first section it proposes to create an indefinite liability to the State. It provides that all expenses growing out of this indictment shall be paid by the State of California, while the general law provides that these expenses shall be borne by the different counties for the prosecution in all criminal cases happening within their respective jurisdiction. I can see no reason why the county of San Francisco should be exempted from this general law; and, if a practice of this kind be once inaugurated all the other counties may desire similar exemptions.

If this were a general law, operating alike upon all, however much the practice might be condemned of making a general law in order to meet a special case, the objections to its passage would not be so serious.

I have but little hesitancy in saying that if the judiciary should attempt to perform functions properly belonging to the legislative department of the government, that the attempt would be repudiated by the latter as a gross encroachment upon their constitutional prerogative; and, for myself, I will say that I would pay but little attention to a mandate of a court that attempted to interfere with the functions properly belonging to the executive department of the government. With the views I have heretofore expressed in regard to the wise provisions of the Constitution in securing the judiciary from any interference on the part of the Legislature, I could not with any degree of consistency sanction an act which I conceive to be judicial in character and effect, and if persevered in cannot help subverting the very foundation of our government. The remedy in all such cases should be in the courts. The people look to the courts alone for the administration of justice, when this affects either persons or property.

The poor and the rich, the powerful and the friendless, should be made to understand that they enter the portals of justice with like penalties, and like immunities. If the Legislature grant special privileges to one, the confidence that should exist will at once be destroyed. In San Francisco, where neither the deceased or the defendant lived, is the place where one might expect an impartial trial, as that community must be entirely free from any prejudice incidental to small communities, where the faults and virtues of the parties must have been thoroughly discussed and canvassed.

I should be loth to sanction the assertion contained in the preamble to this bill, that a fair and impartial trial could not be had in San Francisco, and allow it to be placed on our statute-book with my approval, when in fact I believe that in an intelligent community of seventy thousand people a jury of twelve impartial and honorable men can be found as readily there as in any other portion of the State.

JOHN G. DOWNEY.

The question being, Shall the bill pass notwithstanding the objections of the Governor? the ayes and noes were called with the following result: Ayes, 22—noes, 9:

AYES—Messrs. Crittenden, DeLong, Denver, Dickinson, Eagan, Edger-ton, Franklin, Gallagher, Irwin, Logan, Merritt, Pico, Ryan, Sharp, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, and Williamson—22.

**NOES**—Messrs. Burbank, Chase, Clarke, De la Guerra, Harvey, Haynes, Hill, Phelps, and Shafter—9.

On motion of Mr. Eagan, Messrs. Hoacock and Parks were excused from voting.

So the bill was passed notwithstanding the objections of the Governor.

#### INTRODUCTION OF BILLS.

Mr. Vance, by leave, introduced a bill for An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Shafter in the Chair.

Mr. Denver offered the following resolution :

*Resolved*, That the Enrolling Clerk of the Senate be, and he is hereby, authorized, to employ an Assistant, at a compensation of eight dollars per day, payable out of the Fund for the pay of Officers and Clerks of the Senate.

Mr. Crittenden offered the following as a substitute :

*Resolved*, That the Enrolling Committee of the Senate be, and they are hereby, authorized, to employ a Clerk, at a salary of eight dollars per diem.

The question being on the adoption of the substitute, the ayes and noes were demanded by Messrs. Watkins, Denver, and Clark, and taken with the following result : Ayes, 16—noes, 14 :

**AYES**—Messrs. Burbank, Clark, Crittenden, Eagan, Edgerton, Franklin, Haynes, Hoacock, Hill, Shafter, Sharp, Thomas, Thornton, Warmcastle, Watkins, and Williamson—16.

**NOES**—Messrs. Chase, DeLong, Denver, Gallagher, Harvey, Irwin, Logan, Merritt, Parks, Phelps, Pico, Vance, Watson, and Watt—14.

So the substitute was adopted.

The resolution was then read and adopted.

Mr. Warmcastle gave notice that he would, on to-morrow, move a reconsideration of the vote just taken, by which the resolution was adopted.

Mr. Sharp offered the following resolution :

*Resolved*, That James Sweaney be, and is hereby, allowed, twelve dollars for services rendered at the last session, as Porter of the Committee on Claims—the amount still due—to be paid out of the Contingent Fund of the Senate.

Read, and referred to the Committee on Claims.

## SPECIAL ORDER.

Senate Bill, No. 54, An Act to amend an Act entitled An Act to amend An Act to exempt the Homestead and other Property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty—being the special order of the day, was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back with amendments, which were concurred in, bill ordered to be engrossed, and read a third time.

## GENERAL FILE.

Senate Bill, No. 173, An Act appropriating Money for the benefit of the Home for the care of Inebriates in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

## REPORTS.

Mr. Ryan, by leave, made the following report :

Mr. PRESIDENT:—Your committee, to whom was referred Senate Bill, No. 176, entitled An Act extending Stuart Street, in San Francisco—respectfully report the same back with a recommendation that it pass. The facts in the case are as follows :

The first section of the act, passed March twenty-sixth, eighteen hundred and fifty-one, defining and establishing the water front of San Francisco, enacts that the permanent water line shall extend northerly on the eastern line of Spear Street, to a point within one hundred and thirty-seven and a half feet of the southerly side of Harrison Street ; thence easterly, at right angles with Harrison Street, to the eastern side of Stuart Street ; thence northerly, on the eastern side of Stuart Street, to the southerly line of Folsom Street.

Section five, of the said act of March twenty-sixth, eighteen hundred and fifty-one, provides that a map shall be prepared by the city, of said boundary line, of which one copy shall be deposited in the office of the Secretary of State, and one copy in the office of the Surveyor of San Francisco ; on which said map, the boundary line, or water front, shall be distinctly delineated by a red line.

Your committee have examined a copy of said official red line map, and they discover that the passage referred to in the first section of the act of eighteen hundred and fifty-one, was either carelessly drawn, or was erroneously engrossed. The words, "at right angles with Harrison Street," were substituted for the words, "at right angles with Spear Street," or for the words, "parallel with Harrison Street." Since a line drawn according to the words of the law, as they now stand, would run directly into the bay, in a southeasterly direction, and would neither cross Stuart Street at all, nor intersect it in any direction.

It is the obvious intent of the law to make the water line cross the end of Stuart Street, at a right angle with the direction of the street, and to establish said end of Stuart Street, one hundred and thirty-seven

and a half feet from the south side of Harrison Street ; but from the erroneous, and indeed meaningless, phraseology of the law, troublesome doubts have arisen whether Stuart Street extends to the water front.

It is the design and effect of the bill now reported, to establish the line of water front at the point indicated, according to the manifest purpose of the act of eighteen hundred and fifty-one.

A declaratory act of the character proposed by this bill, is within the province of the Legislature, and we therefore report the recommendation that the bill be passed.

JAMES T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Denver made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills, have examined and find correctly Enrolled, Senate Bill, No. 82, An Act authorizing the Mayor and Common Council of the City of Marysville to provide certain Moneys for the benefit of the Agricultural, Horticultural, and Mechanics' Society of the Northern District of California ;

Also, Senate Bill, No. 84, An Act to authorize the Administrator of the Estates of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes ;

Also, Senate Bill, No. 91, An Act to authorize Caius T. Ryland to sell certain Real Estate of his Infant Children ;

Also, Senate Bill, No. 140, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax ;

Also, Senate Bill, No. 153, An Act to change the name of John H. D. Malson of the County of Butte ;

Also, Senate Bill, No. 159, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District—and at twelve o'clock and forty minutes, P. M. of this day, delivered the same to the Governor for his approval.

A. ST. C. DENVER,  
Chairman.

March 11th, 1861.

On motion of Mr. Logan, the Senate took a recess for half an hour.

At two o'clock, P. M. the recess having expired, the Senate was called to order.

President in the Chair.

Roll called.

Absent—Messrs. Leet and Burbank.

On motion of Mr. Phelps, indefinite leave of absence was granted to Mr. Burbank.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 11th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly are now ready to meet you in Joint Convention, pursuant to adjournment.

J. W. SCOBEE,  
Assistant Clerk.

On motion of Mr. Denver, the Senate proceeded to the Assembly Chamber, to meet with the Assembly in Joint Convention.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. Leet.

Assembly Roll called.

Absent—Messrs. Montgomery, Banks, Willey, Gregory, and Wood of Yolo.

Journal of last meeting read and approved.

Mr. Irwin of the Senate offered the following resolution :

*Resolved*, That the Standing Rules of the Senate be, and they are hereby, declared the rules by which this convention will be governed.

Adopted.

The convention then proceeded to vote for a United States Senator.

FOR U. S. SENATOR—SIXTH BALLOT.

The Secretary called the roll for the sixth ballot, with the following result :

NAMES.	Denver....	McDougal	Nugent....	Phelps....	Waller....	Hoge .....	Bowie.....
Chase.....		1					
Clark .....		1					
Crittenden .....	1						
De la Guerra.....			1				
DeLong .....			1				
Denver.....	1						
Dickinson .....					1		
Eagan .....			1				
Edgerton.....		1					
Franklin.....					1		
Gallagher .....				1			
Harvey .....		1					
Haynes .....	1						
Heacock .....					1		
Hill.....		1					
Irwin .....		1					
Logan .....	1						
Merritt .....			1				
Parks .....					1		
Pico .....					1		
Rhodes.....				1			

NAMES.	Denver....	McDougall	Nugent ...	Phelps....	Weller....	Hoge .....	Bowie ....
Ryan .....		1					
Shafter .....				1			
Sharp .....		1					
Thomas.....		1					
Thornton.....					1		
Vance.....	1						
Warmcastle .....					1		
Watkins.....	1						
Watson .....			1				
Watt .....			1				
Williamson .....					1		
Adams .....		1					
Amyx.....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Briggs.....				1			
Burnell .....		1					
Buell .....	1						
Campbell.....				1			
Chandler .....					1		
Cherry .....				1			
Childs.....			1				
Clark.....				1			
Coleman .....	1						
Coltrin .....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias .....		1					
Crocker .....				1			
Curtis .....	1						
Denniston .....		1					
Doughterty.....		1					
Durst ... ..		1					
Eastman .....		1					
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster .....	1						
Gillette .....			1				
Gordon.....					1		
Green .....		1					
Hagans .....	1						
Hanson .....					1		
Harriman .....				1			
Harris .....	1						
Harrison .....	1						
Haun .....					1		

NAMES.	Denver ....	McDougall	Nugent....	Phelps ....	Weller....	Hoge .....	Bowie ....
Henderson .....		1					
Hill.....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Johnson .....			1				
Kungle .....					1		
Lalor .....			1				
Lippincott .....			1				
Magruder .....					1		
Miller .....				1			
Morgan .....	1						
Morrison .....	1						
Munday .....			1				
O'Brien .....			1				
Patrick .....					1		
Piercy .....	1						
Porter .....				1			
Powell .....		1					
Ross.....			1				
Scott .....			1				
Showalter.....					1		
Smith of Tulare.....							1
Smith of Placer.....							1
Sorrel .....					1		
Spence .....				1			
Stearns .....		1					
Tilden .....		1					
Tilton .....				1			
Tittel .....				1			
Walden....	1						
Walter .....		1					
White .....	1						
Wood of Plumas .....	1						
Wright.....	1						

Mr. Phelps voted for Mr. Rhodes.

Those who voted for Mr. Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received seventeen votes.

Mr. Phelps received twenty votes.

Mr. Weller received nineteen votes.

Mr. Creanor received three votes.  
 Mr. Hoge received two votes.  
 Mr. Bowie received one vote.  
 Mr. Rhodes received one vote.

There being no election—no one having received a majority of all the votes cast—

FOR U. S. SENATOR—SEVENTH BALLOT.

The Secretary called the roll for a second ballot, with the following result:

NAMES.	Denver ...	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie.....
Chase .....		1					
Clark.....		1					
Crittenden.....	1						
De la Guerra.....			1				
DeLong .....			1				
Denver.....	1						
Dickinson.....					1		
Eagan .....			1				
Edgerton .....		1					
Franklin .....					1		
Gallagher .....			1				
Harvey.....		1					
Haynes.....	1						
Heacock .....				1			
Hill .....		1					
Irwin .....		1					
Logan.....	1						
Merritt.....			1				
Parks .....					1		
Pico.....			1				
Rhodes.....				1			
Ryan .....		1					
Shafter.....				1			
Sharp .....		1					
Thomas .....		1					
Thornton .....					1		
Warmcastle .....					1		
Watkins .....	1						
Watson.....			1				
Watt .....			1				
Williamson .....					1		
Adams .....		1					
Amyx.....					1		
Avery .....				1			
Baechtel.....					1		
Banks.....				1			
Blair.....							1
Briggs.....				1			



NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Waller ....	Hoge ....	Bowie ....
Burnell.....		1					
Buell.....	1						
Campbell.....				1			
Chandler.....					1		
Cherry.....				1			
Childs.....			1				
Clark.....				1			
Coleman.....	1						
Coltrin.....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker.....				1			
Curtis.....	1						
Denniston.....		1					
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Gordon.....					1		
Green.....		1					
Hagans.....	1						
Hanson.....					1		
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Haun.....					1		
Henderson.....		1					
Hill.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Kungle.....					1		
Lalor.....			1				
Lippincott.....			1				
Magruder.....					1		
Miller.....						1	
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy.....	1						

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge .....	Bowie .....
Porter.....				1			
Powell ..		1					
Ross .....			1				
Scott.....			1				
Showalter .....	1						
Smith of Tulare .....							1
Smith of Placer.....						1	
Sorrel .....			1				
Spence .....				1			
Stearns .....		1					
Tilden.....		1					
Tilton.....				1			
Tittel .....				1			
Walden.....	1						
Walter .....		1					
White ...	1						
Wood of Plumas .....	1						
Wright.....		1					

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Ryan.

Those who voted for Mr. Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received nineteen votes.

Mr. Phelps received twenty votes.

Mr. Weller received sixteen votes.

Mr. Creanor received three votes.

Mr. Hoge received two votes.

Mr. Bowie received two votes.

Mr. Rhodes received one vote.

Mr. Ryan received one vote.

There being no election, no one having received a majority of all the votes—

#### FOR U. S. SENATOR—EIGHTH BALLOT.

The Secretary called the roll for a eighth ballot, with the following result :

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Hoge....	Bowie....
Chase.....		1					
Clark.....		1					
Crittenden.....	1						
De la Guerra.....			1				
De Long.....			1				
Denver.....	1						
Dickinson.....					1		
Eagan.....			1				
Edgerton.....		1					
Franklin.....					1		
Gallagher.....			1				
Harvey.....		1					
Haynes.....	1						
Heacock.....				1			
Hill.....		1					
Irwin.....		1					
Logan.....	1						
Merritt.....			1				
Parks.....					1		
Pico.....			1				
Rhodes.....				1			
Ryan.....		1					
Shafter.....				1			
Sharp.....		1					
Thomas.....		1					
Thornton.....					1		
Vance.....			1				
Warmcastle.....					1		
Watkins.....	1						
Watson.....			1				
Watt.....			1				
Williamson.....					1		
Adams.....		1					
Amyx.....					1		
Avery.....				1			
Baechtel.....					1		
Banks.....				1			
Blair.....		1					
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell.....				1			
Chandler.....					1		
Cherry.....				1			
Childs.....			1				
Clark.....				1			
Coleman.....	1						
Coltrin.....		1					

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Waller....	Hoge....	Bowie....
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Crocker .....				1			
Curtis .....	1						
Denniston .....		1					
Dougherty.....		1					
Durst.....		1					
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster.....	1						
Gillette .....			1				
Gordon .....					1		
Green.....		1					
Hagans.....	1						
Hanson.....			1				
Harriman.....				1			
Harris .....	1						
Harrison .....	1						
Haun .....			1				
Henderson.....		1					
Hill .....		1					
Holman ....					1		
Horrell .....			1				
Hunter.....		1					
Johnson.....			1				
Kungle .....			1				
Lalor .....			1				
Lippincott.....			1				
Magruder .....					1		
Miller.....							1
Morgan .....				1			
Morrison .....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy .....	1						
Porter.....				1			
Powell .....		1					
Ross .....			1				
Scott.....			1				
Showalter.....	1						
Smith, of Tulare.....							1
Smith, of Placer.....						1	
Sorrel .....			1				
Stearns .....		1					
Tilden.....		1					

NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Weller....	Hoge .....	Bowie ....
Tilton .....				1			
Tittel .....				1			
Walden.....	1						
Walter.....		1					
White .....	1						
Wood, of Plumas .....	1						
Wright .....		1					

Those who voted for Mr. Creanor were—  
Messrs. Bradley, Kurtz, and Laspeyre.

Mr. Phelps voted for Mr. Rhodes.

Whole number of votes cast, one hundred and seven.  
Necessary to a choice, fifty-four.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received twenty-three votes.

Mr. Phelps received nineteen votes.

Mr. Weller received thirteen votes.

Mr. Creanor received three votes.

Mr. Bowie received two votes.

Mr. Hoge received one vote.

Mr. Rhodes received one vote.

There being no election, no one having received a majority of all the votes cast—

#### FOR U. S. SENATOR—NINTH BALLOT.

The Secretary then called the roll for a ninth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie ....
Chase.....		1					
Clark .....		1					
Crittenden .....	1						
De la Guerra.....			1				
De Long.....			1				
Denver.....	1						
Dickinson .....					1		
Eagan.....			1				
Edgerton .....		1					
Franklin .....					1		
Gallagher.....			1				
Harvey.....		1					

NAMES.	Denver....	McDougal	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie ....
Haynes.....	1						
Heacock .....				1			
Hill .....		1					
Irwin .....		1					
Logan.....	1						
Merritt .....			1				
Parks .....					1		
Pico .....			1				
Rhodes .....				1			
Ryan.....		1					
Shafter .....				1			
Sharp.....		1					
Thomas .....		1					
Thornton .....					1		
Vance .....	1						
Warmcastle .....	1						
Watkins .....	1						
Watson .....			1				
Watt.....			1				
Williamson .....					1		
Adams.....		1					
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks.....				1			
Blair .....				1			
Briggs .....				1			
Burnell .....		1					
Buell.....	1						
Campbell .....				1			
Chandler .....					1		
Cherry .....				1			
Childs .....			1				
Clark .....				1			
Coleman .....	1						
Coltrin.....		1					
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Crocker .....				1			
Curtis .....	1						
Denniston .....		1					
Dougherty.....		1					
Durst.....		1					
Fargo .....				1			
Flanders .....				1			
Ford.....				1			
Foster.....	1						

NAMES.	Denver...	McDougall	Nugent ...	Phelps ...	Weller ...	Hoge ....	Bowie ....
Gillette .....			1				
Gordon .....					1		
Green .....		1					
Hagans .....	1						
Hanson .....			1				
Harriman .....				1			
Harris .....	1						
Harrison .....	1						
Henderson .....		1					
Hill .....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Johnson .....			1				
Kungle .....			1				
Lalor .....			1				
Lippincott .....			1				
Miller .....							1
Morgan .....				1			
Morrison .....		1					
Munday .....			1				
O'Brien .....			1				
Patrick .....					1		
Piercy .....		1					
Porter .....				1			
Powell .....		1					
Ross .....			1				
Scott .....			1				
Showalter .....	1						
Smith of Tulare .....							1
Smith, of Placer .....						1	
Sorrel .....			1				
Stearns .....		1					
Tilden .....		1					
Tilton .....				1			
Tittel .....				1			
Walden .....	1						
Walter .....		1					
White .....	1						
Wood, of Plumas .....	1						
Wright .....		1					

Those who voted for Mr. Creanor were—  
Messrs. Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Bowie were—  
Messrs. Miller and Smith of Tulare.

Those who voted for Mr. Washington were—  
Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Mr. Smith of Placer voted for Mr. Hoge.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-eight votes.

Mr. Nugent received twenty-one votes

Mr. Phelps received twenty votes.

Mr. Weller received eleven votes.

Mr. Creanor received three votes.

Mr. Bowie received two votes.

Mr. Washington received two votes

Mr. Hoge received one vote.

Mr. Rhodes received one vote.

There being no election, no one having received a majority of all the votes cast—

On motion of Mr. Conness, the vote by which the convention adopted the rules of the Senate, was reconsidered.

The rules were then readopted, with the exception of the rule relative to the time of meeting.

Mr. Showalter moved that when the convention adjourns, it adjourns *sine die*.

Upon which, the ayes and noes were demanded, by Messrs. Wood of Plumas and Ross of the Assembly, and Mr. Thomas of the Senate, and taken with the following result: Ayes, 17—noes, 89:

**AYES**—Messrs. Crittenden, Franklin, Shafter, Thornton, Warmcastle, Amyx, Bradley, Flanders, Gordon, Hanson, Haun, Holman, Kungle, Laspere, Morgan, Showalter, and Sorrell—17.

**NOES**—Messrs. Chase, De la Guerra, DeLong, Denver, Dickinson, Eagan, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Sharp, Thomas, Vance, Watkins, Watson, Watt, Williamson, Adams, Avery, Baechtel, Banks, Blair, Briggs, Burnell, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gillette, Green, Haggans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Kurtz, Lalor, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, and Wright—89.

So the motion was lost.

Mr. Chase moved that when the convention adjourns, it adjourns to meet on Wednesday, March thirteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Conness moved to amend—That when the convention adjourns, it adjourns to meet on Thursday, March fourteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Ryan moved to amend the amendment—That when the conven-



tion adjourns, it adjourns to meet on Tuesday, March twelfth, eighteen hundred and sixty-one, at two o'clock, P. M.

The question on the shortest time being first in order, the motion of Mr. Ryan was put and carried.

So the convention agreed that when it did adjourn, it would adjourn to meet on Tuesday, March twelfth, eighteen hundred and sixty-one, at two o'clock, P. M.

FOR U. S. SENATOR—TENTH BALLOT.

The Secretary called the roll for the tenth ballot, with the following result :

NAMES.	Denver...	McDougal	Nugent...	Phelps...	Weller...	Hoge....	Bowie....
Chase .....		1					
Clark .....		1					
Crittenden .....	1						
De la Guerra .....			1				
DeLong .....			1				
Denver .....	1						
Dickinson .....					1		
Eagan .....			1				
Edgerton .....		1					
Franklin .....					1		
Gallagher .....			1				
Harvey .....		1					
Haynes .....	1						
Heacock .....				1			
Hill .....		1					
Logan .....	1						
Merritt .....			1				
Parks .....					1		
Pico .....			1				
Rhodes .....				1			
Ryan .....		1					
Shafter .....				1			
Sharp .....		1					
Thomas .....		1					
Vance .....			1				
Warmcastle .....	1						
Watkins .....	1						
Watson .....			1				
Watt .....			1				
Williamson .....					1		
Adams .....		1					
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Blair .....				1			
Briggs .....				1			
Burnell .....		1					

NAMES.	Denver....	McDougal	Nugent...	Phelps....	Weller....	Hoge....	Bowie....
Buell.....	1						
Campbell.....				1			
Chandler.....					1		
Cherry.....				1			
Childs.....			1				
Clarke.....				1			
Coleman.....	1						
Coltrin.....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker.....				1			
Curtis.....	1						
Denniston.....		1					
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Green.....		1					
Hagans.....	1						
Hanson.....			1				
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Henderson.....		1					
Hill.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Kungle.....			1				
Lalor.....			1				
Lippincott.....			1				
Miller.....						1	
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy.....	1						
Porter.....				1			
Powell.....		1					
Ross.....			1				
Scott.....			1				

NAMES.	Denver ...	McDongall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie ....
Showalter.....					1		
Smith of Tulare.....							1
Smith of Placer.....						1	
Sorrel .....			1				
Stearns.. ...		1					
Tilden .....		1					
Tilton .....					1		
Tittel.....					1		
Walden.....	1						
Walter .....		1					
White .....	1						
Wood of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor, were—  
Messrs. Thornton, Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Washington were—  
Messrs. Haun and Magruder.

Mr. Gordon voted for Mr. Peachy.

Mr. Phelps voted for Mr. Rhodes.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Denver received eighteen votes.

Mr. McDongall received twenty-six votes.

Mr. Nugent received twenty-two votes.

Mr. Phelps received twenty votes.

Mr. Weller received ten votes.

Mr. Creanor received four votes.

Mr. Hoge received two votes.

Mr. Washington received two votes.

Mr. Bowie received one vote.

Mr. Rhodes received one vote.

Mr. Peachy received one vote.

There being no election, no one having received a majority of all the votes cast.

On motion of Mr. Merritt, the convention adjourned.

Whereupon, the Senate repaired to their Chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 12th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday was read.

Mr. DeLong moved to amend by recording Mr. Watkins' vote (as he really voted,) in the negative, instead of the affirmative, as now recorded, on the adoption of the substitute offered by Mr. Crittenden to the resolution offered by Mr. Denver, relative to allowing the Enrolling Clerk of the Senate to appoint an Assistant.

The motion was put and lost.

The journal was then approved as read.

Mr. DeLong in the Chair.

## SPECIAL ORDERS.

The Union Resolutions being the special order of the day—were taken up.

Mr. Chase offered a series of resolutions as a substitute for the whole subject matter, which, together with the other resolutions, were made the special order of the day for Tuesday, March twenty-sixth, eighteen hundred and sixty-one, M.

The Broderick Expunging Resolutions being the next special order—were taken up, and made special order for Tuesday, March nineteenth, eighteen hundred and sixty-one, at twelve o'clock, M.

Senate Bill, No. 26, An Act to provide for the Segregation and Selocation of Swamp and Overflowed Lands, being the next special order—was taken up, and made the special order for Monday, March eighteenth, eighteen hundred and sixty-one, at one o'clock, P. M.

On motion of Mr. Clark, leave of absence was granted to Mr. Warmcastle for two days.

Mr. Sharp made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration, report as follows:

Senate Bill, No. 55, entitled An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six—report the same back and recommend its passage;

Also, Senate Bill, No. 121, entitled An Act to regulate Pawnbrokers in this State and to define their liabilities—report the same back with the following amendments:

Section four, line four, strike out the word "twelve," and insert in lieu thereof the word "three."

Section five, last line, after the word "him," insert the words "or her."

Section seven, line five, strike out the words "one thousand," and insert in lieu thereof the words "five hundred."

Section seven, last line, strike out the words "one year," and insert in lieu thereof the words "six months"—and recommend its passage as amended;

Also, Senate Bill, No. 164, entitled An Act in relation to Highways—and recommend its indefinite postponement.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Harvey moved to reconsider the vote by which the Senate on yesterday adopted the resolution allowing the Enrolling Committee to elect an Assistant Enrolling Clerk.

Lost.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 12th, 1861. }

Mr. PRESIDENT:—The House on yesterday concurred in Senate amendments to Assembly Bill, No. 98, An Act to authorize the Administrator of the estate of L. W. Boggs, deceased, to sell and convey Real Estate;

Also, on the eighth instant, adopted Assembly Concurrent Resolution, No. 26, On the State of the Union, and ask that the Senate concur therein;

Also, on the ninth instant, passed Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the estate of R. B. Sherrard, deceased, to sell and convey Real Property at private sale;

Also, on the fifth instant, passed Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego and to define their duties, approved May third, eighteen hundred and fifty-two;

Also, Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada;

Also, Assembly Bill, No. 94, An Act to change the name of Mayer Moses to Moses Mayer;

Also, Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her infant Child;

Also, Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund which shall be collected in the said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 155, An Act to appropriate Money to pay for services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the Segregation of certain Swamp Lands of this State;

Also, Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character;

Also, Assembly Bill, No. 222, An Act to provide for the construction of a Wagon Road commencing at the Antelope Springs in the County of Amador and running thence by the best practicable route to Hope Valley on the Eastern slope of the Sierra Nevada Mountains;

Also, Assembly Bill, No. 223, An Act to separate the Office of County Recorder from the Office of County Clerk in the County of Solano.

J. W. SCOBEY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 26, above reported—was made the special order of the day, together with the Senate resolutions on the same subject, for Tuesday, March twenty-sixth, eighteen hundred and sixty-one, at twelve o'clock, M.

Assembly Bill, No. 68, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole and amended.

## IN SENATE.

Reported back, and referred to the Judiciary Committee.

Assembly Bill, No. 209, above reported—was read first and second times, and referred to the Senator from Sutter.

Assembly Bill, No. 94, above reported—was read first and second times, and referred to the Committee on Public Morals.

Assembly Bill, No. 85, above reported—was read first and second times, and referred to the Nevada Delegation.

Assembly Bill, No. 148, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 100, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 155, above reported—was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill, No. 158, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 222, above reported—was read first and second times, and referred to the delegations from Amador and Calaveras.

Assembly Bill, No. 223, above reported—was read first and second times, and referred to the Solano Delegation.

Mr. Thornton, by leave, introduced a bill for An Act to provide for the Engraving and Printing of State Controllers' Warrants.

Read first and second times, and referred to the Finance Committee.

Mr. Logan, by leave, introduced a bill for An Act restricting the herding of Sheep in certain Counties of this State.

Read first and second times, and referred to the Committee on Agriculture.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 12th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly are now ready to meet you in Joint Convention pursuant to adjournment.

J. W. SCOREY,  
Assistant Clerk.

On motion of Mr. Merritt, the Senate proceeded to the Assembly Chamber for the purpose of meeting the House in Joint Convention.

## IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Clark, Leet. Sharp, Warmcastle, and Burbank.

Assembly Roll called.

Absent—Messrs. Adams, Briggs, Councilman, Curtis, Ford, Gregory, Henderson, Montgomery, and Tittel.

Journal of preceding convention read and approved.

FOR U. S. SENATOR—ELEVENTH BALLOT.

The Secretary called the roll for the eleventh ballot, with the following result:

NAMES.	Denver....	McDougal	Nugent....	Phelps....	Weller....	Hope....	Bowie....
Chase.....		1					
Crittenden.....	1						
De la Guerra.....			1				
DeLong.....			1				
Denver.....	1						
Dickinson.....					1		
Eagan.....			1				
Edgerton.....		1					
Franklin.....					1		
Gallagher.....			1				
Harvey.....		1					
Haynes.....	1						
Heacock.....				1			
Hill.....		1					
Logan.....	1						
Merritt.....			1				
Parks.....					1		
Pico.....			1				
Rhodes.....				1			
Ryan.....		1					
Shafter.....				1			
Sharp.....		1					
Thomas.....		1					
Thornton.....					1		
Vance.....	1						
Watkins.....	1						
Watson.....			1				
Watt.....			1				
Adams.....		1					
Amyx.....					1		
Avery.....				1			
Baechtel.....					1		
Banks.....				1			
Blair.....				1			
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell.....				1			
Cherry.....				1			
Childs.....			1				

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Clark.....				1			
Coleman .....	1						
Coltrin .....		1					
Conness .....		1					
Councilman.....				1			
Covarrubias .....		1					
Crocker .....				1			
Denniston .....		1					
Doughterty.....		1					
Durst .....		1					
Eastman .....		1					
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster .....	1						
Gillette .....			1				
Gordon.....					1		
Green .....		1					
Hagans .....	1						
Hanson .....			1				
Harriman .....				1			
Harris .....	1						
Harrison .....	1						
Hill.....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Johnson .....			1				
Kungle .....			1				
Lalor .....			1				
Lippincott .....			1				
Miller .....						1	
Morgan .....				1			
Morrison .....	1						
Munday .....			1				
O'Brien .....			1				
Patrick .....					1		
Piercy .....	1						
Porter .....				1			
Powell .....		1					
Ross.....			1				
Scott .....			1				
Showalter.....					1		
Sorrel .....			1				
Spence .....				1			
Stearns .....		1					
Tilden .....		1					
Tilton .....				1			



NAMES.	Denver....	McDougall	Nugent....	Phelps ....	Weller ....	Hoge .....	Bowie.....
Tittel .....				1			
Walden....	1						
Walter .....		1					
White .....	1						
Willey .....				1			
Wood of Plumas .....	1						
Wright.....		1					

Those who voted for Mr. Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Denver received seventeen votes.

Mr. McDougall received twenty-four votes.

Mr. Nugent received twenty-one votes.

Mr. Phelps received twenty-two votes.

Mr. Weller received ten votes.

Mr. Creanor received three votes.

Mr. Washington received two votes.

Mr. Hoge received one vote.

Mr. Rhodes received one vote.

There being no election—no one having received a majority of all the votes cast—

#### FOR U. S. SENATOR—TWELFTH BALLOT.

The Secretary called the roll for a twelfth ballot, with the following result:

NAMES.	Denver ...	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie.....
Chase .....		1					
Crittenden. ....	1						
De la Guerra.....			1				
DeLong .....			1				
Denver.....	1						
Dickinson.....					1		
Eagan .....			1				
Edgerton .....		1					

NAMES.	Denver....	McDougall	Nugent ...	Phelps....	Waller ....	Hoge .....	Bowle ....
Franklin .....					1		
Gallagher .....			1				
Haynes.....	1						
Heacock .....				1			
Hill .....		1					
Irwin .....		1					
Logan.....	1						
Merritt.....			1				
Parks .....					1		
Pico.....			1				
Rhodes.....				1			
Ryan .....		1					
Shafter .....				1			
Sharp .....		1					
Thomas .....		1					
Thornton .....					1		
Vance .....					1		
Watkins .....	1						
Watson.....			1				
Watt .....			1				
Williamson .....					1		
Adams .....		1					
Amyx .....					1		
Avery .....				1			
Bachtel.....					1		
Blair.....		1					
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell .....				1			
Cherry .....				1			
Childs .....			1				
Clark .....				1			
Coleman.....	1						
Coltrin .....		1					
Conness .....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker .....				1			
Denniston .....		1					
Dougherty.....		1					
Durst .....		1					
Eastman.....		1					
Fargo .....				1			
Flanders.....				1			
Ford .....				1			
Foster.....	1						
Gillette.....			1				

NAMES.	Denver....	McDougal	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Gordon.. .....					1		
Green .....		1					
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Hill .....		1					
Holman .....					1		
Horrell.....			1				
Hunter .....		1					
Johnson .....			1				
Kungle .....			1				
Lalor .....			1				
Lippincott .....			1				
Morgan.....				1			
Morrison .....	1						
Munday .....			1				
O'Brien .....			1				
Patrick.....					1		
Piercy .....	1						
Porter.....				1			
Powell .....		1					
Ross .....			1				
Scott.....			1				
Smith of Placer.....						1	
Sorrel .....			1				
Spence .....				1			
Stearns .....		1					
Tilden.....		1					
Tilton .....				1			
Tittel .....				1			
Walden.....	1						
Walter .....		1					
White .....	1						
Willey .....				1			
Wood of Plumas .....	1						
Wright.....		1					

Those who voted for Mr. Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Mr. Hagans voted for Mr. Powell.

Mr. Hanson voted for Mr. Montgomery.

Mr. Miller voted for Mr. Bidwell.

Mr. Showalter voted for Mr. Brent.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-three.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-five votes.

Mr. Nugent received twenty votes.

Mr. Phelps received twenty votes.

Mr. Weller received eleven votes.

Mr. Creanor received three votes.

Mr. Washington received two votes.

Mr. Hoge received one vote.

Mr. Rhodes received one vote.

Mr. Powell received one vote.

Mr. Montgomery received one vote.

Mr. Bidwell received one vote.

Mr. Brent received one vote.

There being no election, no one having received a majority of all the votes—

Mr. Crocker of the Assembly moved that the convention adjourn to Friday, March fifteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Wood of Plumas moved to amend—That when the convention adjourns, it will adjourn to meet on Wednesday, March thirteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Carried.

#### FOR U. S. SENATOR—THIRTEENTH BALLOT.

The Secretary called the roll for the thirteenth ballot, with the following result :

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Hoge....	Bowie....
Chase.....		1					
Crittenden.....	1						
De la Guerra.....			1				
De Long.....			1				
Denver.....	1						
Dickinson.....					1		
Eagan.....			1				
Edgerton.....		1					
Franklin.....					1		
Gallagher.....			1				
Harvey.....		1					
Haynes.....	1						
Heacock.....				1			
Hill.....		1					
Irwin.....		1					
Logan.....	1						
Merritt.....			1				
Parks.....					1		
Pico.....			1				
Rhodes.....				1			

NAMES.	Denver....	McDougall	Nugent ...	Phelps ....	Weller....	Hoge .....	Bowie ....
Ryan.....		1					
Shafter.....				1			
Sharp .....		1					
Thomas.....		1					
Thornton.....					1		
Watkins.....	1						
Watson... ..			1				
Watt .....			1				
Williamson .....					1		
Adams.....		1					
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Bradley .....			1				
Briggs .....				1			
Burnell .....		1					
Buell .....	1						
Campbell.....				1			
Cherry.....				1			
Childs.....			1				
Clark .....				1			
Coleman .....	1						
Coltrin .....		1					
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Crocker .....				1			
Denniston .....		1					
Dougherty.....		1					
Durst.....		1					
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster.....	1						
Gillette .....			1				
Gordon .....					1		
Green.....		1					
Hagans.....	1						
Hanson.....			1				
Harriman.....				1			
Harris .....	1						
Harrison .....	1						
Hill .....		1					
Holman .....					1		
Horrell .....	1						
Hunter.....		1					
Johnson.....			1				

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Kungle .....			1				
Lalor.....			1				
Lippincott.....			1				
Morgan .....				1			
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy. ....	1						
Porter.....				1			
Powell .....		1					
Ross .....			1				
Scott.....			1				
Showalter .....					1		
Smith, of Tulare.....							1
Smith, of Placer.....						1	
Sorrel .....					1		
Spence .....				1			
Stearns .....		1					
Tilden.....		1					
Tilton .....				1			
Tittel .....				1			
Walden.....	1						
Walter.....		1					
White .....	1						
Willey .....				1			
Wood, of Plumas .....	1						
Wright .....		1					

Those who voted for Mr. Washington were—  
Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Parks.

Mr. Blair voted for Mr. Stanley.

Mr. Laspeyre voted for Mr. Kewen.

Mr. Miller voted for Mr. Bidwell.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-five votes.

Mr. Nugent received twenty votes.

Mr. Phelps received twenty-one votes.

Mr. Weller received twelve votes.

Mr. Washington received two votes.

Mr. Hoge received one vote.

Mr. Bidwell received one vote.

Mr. Kewen received one vote.

Mr. Bowie received one vote.

Mr. Stanley received one vote.

Mr. Parks received one vote.

Mr. Rhodes received one vote.

There being no election, no one having received a majority of all the votes cast—

On motion of Mr. DeLong the convention adjourned.

Whereupon the Senate returned to their chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Merritt the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, March 13th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Phelps presented a petition, together with a bill in relation thereto, entitled An Act to procure a conveyance by John Center to the State of certain Real and Personal Property at and near the State Prison.

Read first and second times, and referred to the Committee on State Prison and Public Buildings.

Mr. Rhodes presented a petition from the officers and Directors of the San Francisco Bay District Agricultural Society, praying for an appropriation from the State to each Agricultural Society in the State, to be used for the payment of premiums.

Received and referred to the Committee on Agriculture.

#### REPORTS.

Mr. Parks made the following report:

Mr. PRESIDENT:—Your committee, (the Sutter Delegation,) to whom was referred Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the Estate of R. B. Sherrard, deceased, to sell and convey Real Property at private sale—have had the same under consideration, and beg leave to report it back, and recommend its passage.

W. W. PARKS.

Report received, and with bill, placed on file.

Mr. Watt made the following report:

Mr. PRESIDENT:—The Committee on Roads and Highways, to whom

was referred Senate Bill, No. 108, An Act to amend an Act entitled An Act to provide for the Incorporating of Railroad Companies, passed April twenty-second, eighteen hundred and fifty-three—have had the same under consideration, and recommend its indefinite postponement.

WILLIAM WATT,  
Chairman.

Report received, and with bill, placed on file.

Mr. Pico made the following report :

Mr. PRESIDENT :—The undersigned, to whom was referred Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County—have had the same under consideration, and begs leave to report the same back, with the following amendment, and recommend its passage as amended :

In section one, third line, strike out at the end of the line the word "monthly," and insert in lieu thereof the word "quarterly."

All of which is respectfully submitted.

PICO,  
Senator of the First District.

Report received, and with bill, placed on file.

Mr. Pico also made the following report :

Mr. PRESIDENT :—The Los Angeles Delegation, to whom was referred Assembly Bill, No. 125, An Act concerning certain Officers of the County of Los Angeles—report the same back, and recommend its passage without amendments.

PICO,  
Senator of the First District.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, read a third time and passed.

Mr. Gallagher made the following report :

Mr. PRESIDENT :—Your Committee on Public Expenditures have examined the copying done for the Senate, and find due the Secretary of the Senate four hundred and seventy-nine dollars, for copying done to date.

P. A. GALLAGHER,  
For the Committee.

Report adopted.

Mr. Eagan made the following report :

Mr. PRESIDENT :—The delegation from Amador and Calaveras, to whom was referred the bill to provide for the construction of a Wagon Road, commencing at Antelope Springs, etc.—report the same back, with amendments, and recommend its passage as amended.

EAGAN,  
For Delegation.

Report received, rules suspended, bill considered in Committee of the Whole, and amendment reported by the Delegation adopted.

#### IN SENATE.

Reported back, amendment concurred in, bill read a third time and passed.



Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills have examined the following bills, and have found the same correctly engrossed :

Senate Bill, No. 174, An Act to authorize the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes ;

Also, Senate Bill, No. 178, An Act supplementary to, and to amend An Act concerning the Debt and the Current Expenses of the County of Monterey, and to provide for the funding and the payment of the same, approved April nineteenth, eighteen hundred and fifty-six, and to amend the amendments thereto, approved March eighteenth, eighteen hundred and fifty-seven, and to provide for the building of a Bridge, and making Roads, in Monterey County.

MERRITT,  
Chairman.

Report accepted.

Mr. Vance made the following report :

Mr. PRESIDENT :—The Committee on Public Morals, to whom was referred Assembly Bill, No. 94, An Act to change the name of Mayer Moses to Moses Mayer—report the same back, with amendments, and recommend its passage as amended. •

VANCE,  
Chairman.

Report received, and with bill, placed on file.

Mr. Parks made the following report :

Mr. PRESIDENT :—Your committee, (the Yuba Delegation,) to whom was referred Assembly Bill, No. 163, An Act to amend Section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty—have had the same under consideration, and beg leave to report it back, and recommend its passage.

W. W. PARKS,  
For Delegation.

Report received, and with bill, placed on file.

Mr. Phelps made the following report :

Mr. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 80, An Act supplementary to An Act to provide for the location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, approved April twenty-seventh, eighteen hundred and fifty-nine—have had the same under consideration, and report the bill back, and recommend that it be indefinitely postponed. The passage of this bill would be a gross injustice to parties who have located slaughter-houses and cattle-pens in that portion of the city embraced within this act, and who have located there in strict accordance with the act of eighteen hundred and fifty-nine. They should not be disturbed in the enjoyment of their property and business until that business becomes a nuisance, when the city government will doubtless exercise its delegated authority, and suppress it as such.

T. G. PHELPS,  
For the Delegation.

Report adopted, and bill indefinitely postponed.

Mr. Dickinson in the Chair.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 13th, 1861. }

Mr. PRESIDENT :—The House, on yesterday, adopted Assembly Concurrent Resolution, No. 39, providing for the payment of Spanish translation certain Documents, and ask the concurrence of the Senate.

J. W. SCOBAY,  
Assistant Clerk.

Assembly Concurrent Resolution, above reported—was read and referred to the Finance Committee.

## INTRODUCTION OF BILLS.

Mr. Rhodes, by leave, introduced a bill, without notice, An Act to authorize Peter Davidson to execute a certain Conveyance in behalf of his Children.

Read first and second times, and referred to the Judiciary Committee.

Mr. Vance, by leave, introduced a bill, without notice, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots their proper Certificates of Purchase, and to manage the said Company.

Read first and second times, and placed on file.

Mr. Merritt, by leave, introduced a bill, without notice, An Act amendatory of an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, also, by leave, introduced a bill, without notice, An Act to provide for the ascertaining and payment of the value of the Interest of the State of California within the Water Line Front of the City of San Francisco, as defined in an Act entitled An Act to provide for the disposition of certain Property of the State of California, approved March twenty-sixth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Committee on Commerce and Navigation.

## RESOLUTIONS.

Mr. Clark offered the following resolution :

*Resolved*, That the Controller of State draw his warrant on the Treasurer, in favor of Z. L. Garwood, for the sum of fifty dollars, payable out of the Contingent Fund of the Senate, that amount being due said Garwood for rent of Committee Rooms for the Committee on Claims and the Committee on Finance, for the month of March, eighteen hundred and sixty-one.

Adopted.

Mr. Williamson offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the State Librarian is hereby authorized and required, to furnish a complete set of Journals and Appendixes of the California Legislature to the Knight's Ferry Library Association of Stanislaus County.

Read and referred to the Committee on State Library.

## SPECIAL ORDER.

Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six, being the special order—was taken up.

On motion of Mr. Shafter, it was made the special order of the day for Wednesday, March twentieth, eighteen hundred and sixty-one, at twelve o'clock, M.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
March 13th, 1861. }

MR. PRESIDENT:—The House on the fifth instant, passed the following bills:

Assembly Bill, No. 206, An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail;

Also, Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of Contra Costa County Agricultural Society;

Also, Assembly Bill, No. 218, An Act to repeal so much of An Act entitled an Act supplemental to An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 206, above reported—was read first and second times, rules suspended, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, read a third time, and passed.

Assembly Bill, No. 213, above reported—was read first and second times, and referred to the Senator from Contra Costa.

Assembly Bill, No. 218, above reported—was read first and second times, and referred to the Senator from San Luis Obispo.

## GENERAL FILE.

Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street in the City and County of San Francisco—was taken up, and considered in Committee of the Whole, and amendments reported by the Committee on Commerce and Navigation adopted.

## IN SENATE.

Amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 176, An Act extending Stuart Street in San Francisco—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 154, An Act entitled An Act in relation to the Water Front adjacent to block number nine in the City and County of San Francisco—was taken up, and considered in Committee of the Whole, and amendments reported by the Committee on Commerce and Navigation adopted.

## IN SENATE.

Reported back, and amendments concurred in, rules suspended, and bill considered engrossed, read a third time, and passed.

Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—was taken up, and considered in Committee of the Whole, and amendments reported by the San Francisco Delegation adopted.

## IN SENATE.

Reported back and amendments concurred in, rules suspended, bill read a third time, and passed.

Senate Bill, No. 169, An Act to amend an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, and ordered to be engrossed, and read a third time.

Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six—was taken up, and made the special order of the day for March twentieth, at half past eleven o'clock, A. M. and ordered printed.

Senate Bill, No. 121, An Act to regulate Pawnbrokers in this State and to define their Liabilities—was considered in Committee of the Whole, and amendments reported by the Judiciary Committee adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 164, An Act relating to Highways—was taken up, report of the Judiciary Committee adopted, and bill indefinitely postponed.

On motion of Mr. Parks, Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the estate of R. B. Sherrard, deceased, to sell and convey Real Property at private sale—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, read a third time, and passed.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 13th, 1861.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 153, An Act to change the name of John H. D. Malson of the County of Butte;

Also, Senate Bill, No. 82, An Act authorizing the Mayor and Common Council of the City of Marysville to levy a Tax and to provide and appropriate certain Moneys for the benefit of the Agricultural, Horticultural, and Mechanics' Society, of the Northern District of California;

Also, Senate Bill, No. 159, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District;

Also, Senate Bill, No. 140, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax ;

Also, Senate Bill, No. 91, An Act to authorize Caius T. Ryland to sell certain Real Estate of his infant Children.

JOHN G. DOWNEY,  
Governor.

On motion of Mr. Logan, the Senate took a recess until five minutes before two o'clock, P. M.

#### IN SENATE.

At five minutes before two o'clock, P. M. the Senate was called to order. President in the Chair.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 13th, 1861. }

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention pursuant to adjournment.

J. W. SCOBEEY,  
Assistant Clerk.

On motion of Mr. Dickinson, the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention.

#### IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Burbank, Crittenden, Clark, and Leet.

Assembly Roll called.

Absent—Messrs. Campbell, Crocker, Denniston, Kurtz, Montgomery, Morrison, Scott, and Smith of Tulare.

Journal of preceding convention read and approved.

#### FOR U. S. SENATOR—FOURTEENTH BALLOT.

The Secretary called the roll for the fourteenth ballot, with the following result :

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Veller....	Hoge.....	Bowie....
Chase.....	.....	1	.....	.....	.....	.....	.....
De la Guerra.....	.....	.....	1	.....	.....	.....	.....
Denver.....	1	.....	.....	.....	.....	.....	.....
Dickinson.....	.....	.....	.....	.....	1	.....	.....
Eagan.....	.....	.....	1	.....	.....	.....	.....
Franklin.....	.....	.....	.....	.....	1	.....	.....
Gallagher.....	.....	.....	1	.....	.....	.....	.....
Harvey.....	.....	1	.....	.....	.....	.....	.....

NAMES.	Denver....	McDougal	Nugent ...	Phelps ...	Weller....	Hoge .....	Bowle .....
Haynes.....	1						
Hill .....		1					
Irwin .....		1					
Logan.....	1						
Merritt .....			1				
Parks .....					1		
Pico .....			1				
Rhodes .....				1			
Ryan.....		1					
Shafter .....				1			
Thomas .....		1					
Thornton .....			1				
Vance .....	1						
Watkins.....	1						
Watson .....			1				
Watt.....			1				
Williamson .....					1		
Adams.....		1					
Amyx .....					1		
Avery .....				1			
Baechtel .....					1		
Banks.....				1			
Blair .....				1			
Bradley .....			1				
Briggs .....				1			
Burnell .....		1					
Buell.....	1						
Cherry.....				1			
Childs .....			1				
Clark .....				1			
Coleman .....	1						
Coltrin.....		1					
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Dougherty.....		1					
Durst .....		1					
Eastman .....		1					
Fargo .....				1			
Flanders .....				1			
Ford.....				1			
Foster.....	1						
Gillette .....			1				
Gorden .....					1		
Green .....		1					
Gregory .....			1				
Hagans.....	1						
Harriman .....				1			

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Waller....	Hoge....	Bowie....
Harris.....	1						
Harrison.....	1						
Henderson.....		1					
Hill.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Kungle.....			1				
Kurtz.....			1				
Lalor.....			1				
Miller.....						1	
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Porter.....				1			
Powell.....		1					
Ross.....			1				
Scott.....			1				
Showalter.....	1						
Smith of Placer ...						1	
Spence.....				1			
Stearns.....		1					
Tilden.....		1					
Tilton.....				1			
Tittel.....				1			
Walden.....	1						
Walter.....		1					
White.....	1						
Willey.....				1			
Wood of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Washington were—  
Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Those who voted for Mr. Hoge were—  
Messrs. Miller and Smith of Placer.

Mr. Hanson voted for Mr. Montgomery.

Those who voted for Mr. Kewen were—  
Messrs. Laspeyre and Piercy.

Mr. Wood of Yolo voted for Mr. Tod Robinson.

Whole number of votes cast, ninety-six.  
Necessary to a choice, forty-nine.

Mr. Denver received sixteen votes.  
 Mr. McDougall received twenty-three votes.  
 Mr. Nugent received twenty-one votes.  
 Mr. Phelps received nineteen votes.  
 Mr. Weller received eight votes.  
 Mr. Kewen received two votes.  
 Mr. Hoge received two votes.  
 Mr. Washington received two votes.  
 Mr. Rhodes received one vote.  
 Mr. Montgomery received one vote.  
 Mr. Tod Robinson received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. DeLong moved that when the convention adjourns, it adjourn to meet on Friday, March fifteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Ryan moved to amend—That when the convention adjourns, it adjourn to meet on Thursday, March fourteenth, at two o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs. Ryan and Logan of the Senate, and Mr. Chandler of the Assembly, and taken with the following result: Ayes, 31—noes, 65:

**AYES**—Messrs. Chase, Crittenden, Denver, Eagan, Gallagher, Hill, Ryan, Sharp, Thomas, Vance, Watson, Watt, Baechtel, Blair, Burnell, Chandler, Covarrubias, Ford, Gillette, Harriman, Hill, Horrell, Kurtz, Lalor, Munday, O'Brien, Powell, Scott, Smith of Placer, Tilden, and Wood of Yolo—31.

**NOES**—Messrs. DeLong, Dickinson, Franklin, Harvey, Haynes, Irwin, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thornton, Watkins, Williamson, Adams, Amyx, Avery, Bradley, Briggs, Buell, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Dougherty, Durst, Eastman, Fargo, Flanders, Foster, Gordon, Green, Greogory, Hagans, Harris, Harrison, Haun, Henderson, Holman, Hunter, Johnson, Kungle, Laspierre, Magruder, Miller, Morgan, Morrison, Piercy, Ross, Showalter, Spence, Stearns, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, and Wright—65.

So the motion was lost.

On motion of Mr. Conness, the convention adjourned to meet on Friday, March fifteenth, eighteen hundred and sixty-one, at two o'clock, P. M. Whereupon the Senate returned to their chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.



## IN SENATE.

SENATE CHAMBER,  
Thursday, March 14th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Vance, leave of absence was granted to Mr. Pico for one day.

## PETITIONS.

Mr. Phelps presented a petition From sundry Citizens of San Francisco, praying that the petition of Joseph Galloway, asking the Franchise to build a Wharf at the foot of Howard Street, in said city, be granted as prayed for.

Received, and referred to the Committee on Commerce and Navigation.

Mr. Warmcastle presented the petition Of sundry Citizens of San Joaquin County, protesting against the passage of an Act now before the Senate, providing for the appointment of an Inspector of Lumber for the Port of San Francisco.

Received, and referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Watkins made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred Senate Bill, No. 99, An Act to audit and allow a claim of John F. McCauley against the State—have had the same under consideration, and respectfully submit the following :

The first item is the sum of eleven thousand, eight hundred and four dollars and forty-two cents, the stipulated price of one hundred and six head of American cattle, sold and delivered by McCauley to the Directors of the State Prison, in June, eighteen hundred and fifty-five.

The authority to make such purchase, was conferred upon the Directors by law. (Acts eighteen hundred and fifty-five, page two hundred and ninety-three, section seven.)

The fact of the sale and delivery of the cattle by McCauley, is proved by the receipt, of Col. Snowden, President of the Board of Directors, and by the affidavits of Dr. Taliaferro, John S. Love, another member of the Board, and James S. Thurston, McCauley's Agent, who actually delivered the cattle.

McCauley's account for this money was certified by the President of the Board, and audited, and he received a Controller's Warrant for the amount, No. 752, dated December thirty-first, eighteen hundred and fifty-five, which he still holds, and upon which no payment was ever made. He now presents it, that upon payment of his claim it may be canceled.

In eighteen hundred and fifty-seven, a bill was introduced for the payment of this debt. It was read first and second times, and referred to the Committee on Claims, February ninth; reported upon favorably,

February twenty-fifth; recommitted, April thirteenth; and a substitute reported and passed, April twenty-ninth. The substitute, instead of directing the payment of the warrant, audited and allowed this claim, and also a claim of Daniel H. Carpenter. (See Assembly Journal, Eighth Session, pages two hundred and fifty-three, three hundred and eighty-two, seven hundred and twenty-eight, eight hundred and fifty-nine, and eight hundred and sixty-four.)

There was not time for the Senate to act upon this bill, the Legislature adjourning on the thirtieth of April.

*Second*—The second item is for a balance of account for beef furnished by McCauley, for the use of the State Prison, under a written contract between the Board of Directors and himself, made on the first day of January, eighteen hundred and fifty-six. The original contract is on file in the Controller's Office, and a copy of it is now submitted. The Board had full power to make this contract, under the seventh section of the act of eighteen hundred and fifty-five, before referred to.

Under this contract, McCauley, between the first of January and twenty-sixth of March, eighteen hundred and fifty-six, furnished large quantities of beef. The items are set forth in the accounts certified by the Board, which are on file in the Controller's Office, and copies of which are before the Senate.

The Legislature, on the seventh of April, eighteen hundred and fifty-six, made an appropriation of thirty-two thousand dollars, to pay this and other similar claims. (Acts of eighteen hundred and fifty-six, page eighty-six.) The appropriation proved insufficient, only part of the amount due him was paid, and there has ever since remained due on the accounts the sum he now claims, and which has been allowed him by the Board of Examiners—five thousand four hundred and twenty-seven dollars.

In support of this part of the claim, in addition to the written contract and certified accounts, there is presented the affidavit of E. Wilson, President of the Board of Directors, showing that the contract price was a reasonable one, and that the contract was made in good faith.

*Third*—The third item of the claim is for an amount due for beef delivered under the contract, but which by mistake was omitted in settling the account with the Board of Directors. The certificate of McKenzie and Bell, two of the Directors, and the affidavit of Bell herewith submitted, show how the error occurred and the propriety and justice of its correction.

We do not know upon what ground it is possible to dispute the obligation of the State to pay the whole of this claim.

It may be imagined that this debt was included in the settlement made by the State with McCauley and Tevis in eighteen hundred and sixty.

There is no foundation whatever for such a suggestion. Any one can readily satisfy himself of this by reference to the act of last year and to the contract made in pursuance of it.

The act (page two hundred and forty-nine of acts of eighteen hundred and sixty) is for the settlement of all claims against the State arising out of, or connected with, the contract made the twenty-sixth of March, eighteen hundred and fifty-six, between the State and James M. Estill. Such is its title. In the body of the act the claims to be released are specifically mentioned. They are first for all sums of money due, or to become due, under that contract, or for any violation thereof. Second—claims against John B. Weller, and others under him, for the taking and deten-

tion of the property of McCauley, and all claims against the State for property taken by said Weller and not returned.

Now, the present claim has no connection with, does not arise under, the contract between the State and Estill of the twenty-sixth of March, eighteen hundred and fifty-six. It occurred before that contract was made—the first item in June, eighteen hundred and fifty-five, and the last two, between the first of January and the twenty-sixth of March, eighteen hundred and fifty-six—and McCauley was no party to the contract of the twenty-sixth of March, eighteen hundred and fifty-six, nor had he any connection with General Estill, nor with the State Prison contract until the month of May, eighteen hundred and fifty-seven.

That this claim was not to be included in the settlement was distinctly understood by the Legislature of eighteen hundred and sixty, when it passed the act providing for a settlement.

The act was introduced in the Senate and passed by that body. Before its introduction this claim of McCauley had been presented to, and allowed, by the Board of Examiners, and had been reported to the Legislature. When the act came before the Assembly it was considered in Committee of the Whole. Mr. Conness offered two amendments—one relating to the form of the release to be executed by McCauley and Tevis—the other a provision that as part of the proposed settlement, Mr. McCauley should release the State from this claim as well as from all claims arising out of, or connected with, the Estill contract of March twenty-sixth, eighteen hundred and fifty-six. The first amendment being unobjectionable, was assented to by the Attorney of McCauley in his behalf, and agreed to by the Senate. The second amendment would have rendered a settlement impossible. The Senate refused to agree to it. A Committee of Conference was appointed, who recommended that the Assembly should recede from the amendment. The Assembly did recede, and the bill passed without this amendment. The action of the Legislature was therefore a distinct refusal to include this claim in the settlement, and it was founded upon the declaration of McCauley, that if it were included he could not accept the sums proposed in satisfaction of his claims.

That sum had been fixed upon after a conference between the Senate Committee, composed of Messrs. Sharp, Wheeler, and Kirkpatrick, and Mr. A. P. Crittenden, on the part of Mr. McCauley, as the lowest amount for which a settlement could be made of the claims arising out of the Estill contract. (See Senate Journal of eighteen hundred and sixty, pages seven hundred and eighty-three, seven hundred and ninety-five, seven hundred and ninety-six, eight hundred and three, and eight hundred and nineteen; also, Assembly Journal of eighteen hundred and sixty, pages eight hundred and four and eight hundred and five.)

If the Senate desire any further evidence of the fact that this claim was not included in the settlement, it will be found in the written contract of compromise between the State and McCauley and Tevis, executed in August, eighteen hundred and sixty. The original of that contract is required by the fifth section of the act of April twenty-first, eighteen hundred and sixty, to be filed in the office of the Secretary of State, and by the sixth section the Board of Commissioners were required to make a report of their proceedings to the present Legislature. (Acts of eighteen hundred and sixty, page two hundred and fifty.)

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate Bill, No. 166, claim of W. W. Upton, for defending case of T. F. W. Price v. The Controller and other State Officers;

Also, Senate Bill, No. 107, claim of J. W. Lockwood, for expenses in-

curred and injuries received in arresting highwaymen in Nevada County; Also, claim of J. B. Carr, for services rendered A. R. Melony, Controller of State—have had the same under consideration, and report them back, with the recommendation that they be rejected;

Also, the claim of L. B. Richardson, for supplies furnished guard in charge of State arms taken to Western Utah, from this State in May, by order of the Governor—and report the same back, with the accompanying bill, and recommend the passage of the bill.

WATKINS,  
Chairman.

Report received, and bill above reported read first and second times, and placed on file.

Mr. Haynes made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate Bill, No. 167, a claim for services rendered and expenses incurred by William L. Patterson in arresting Felipe Hernandez, who stands charged with murder—have had the same under consideration and report the same back with the recommendation of the undersigned members of the committee, that the bill be passed with the following amendment:

Strike out "five hundred" in first line of section first, and inserting "two hundred and fifty."

J. P. HAYNES,  
A. L. RHODES,  
J. A. EAGAN.

Report received, and with bill, placed on file.

Mr. Ryan made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 30, entitled An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena, in the County of Mendocino—have had the same under consideration and report the same back with amendments, and recommend its passage as amended.

Strike out all after the enacting clause and insert the following:

SECTION 1. The right to build, maintain, and use, a wharf in the bay, or main ocean, at Punta Arena, in the county of Mendocino, is hereby granted to Joseph J. Cloud, his associates, and assigns.

SEC. 2. For the purpose of said wharf, there is hereby granted unto the said Cloud, his associates, and assigns, the right to use and occupy a strip of land three hundred feet wide, commencing at low tide and extending into the bay, or ocean — feet; *provided*, said wharf shall not in any manner obstruct the navigation of the bay.

SEC. 3. The said Cloud, his associates, and assigns, shall commence the construction of said wharf within one year and complete the same within two years from the passage of this act. Said wharf shall be firmly and substantially built of such materials and of such dimensions as to make it sufficient for the requirements of the commerce of the vicinity.

SEC. 4. The Board of Supervisors of Mendocino County shall from time to time fix the rates of wharfage to be collected at said wharf, and the said Cloud, his associates, and assigns, may charge and collect such wharfage as shall be fixed by said Board. The rates of wharfage shall be posted in a conspicuous place on said wharf.

SEC. 5. If said wharf shall not be commenced within one year and fin-

ished within two years from the passage of this act, all the rights herein granted shall become forfeited.

SEC. 6. The franchise herein granted shall continue for the term of twenty years, and at the expiration of that time shall revert to the State.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Ryan also made the following report :

MR. PRESIDENT :—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 41, entitled An Act to authorize the construction of a Wharf in the City and County of San Francisco—have had the same under consideration and report the same back and recommend its indefinite postponement.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Clark made the following report :

MR. PRESIDENT :—The Sacramento Delegation, to whom was referred Senate Bill, No. 100—have had the same under consideration and beg leave to report the bill back recommending its passage with the following amendments :

At the end of section one, add "*provided*, however, that interest on all claims which may be funded under the provisions of this act shall only be computed at the rate of six per cent. per annum from and after the first day of January, A. D. eighteen hundred and fifty-nine."

CLARK,  
HEACOCK.

Report received, and with bill, placed on file.

Mr. Hill made the following report :

MR. PRESIDENT :—The delegation to whom was referred Assembly Bill, No. 131, entitled An Act concerning Wild Animals in the County of Marin—report the bill back without amendment and recommend its passage.

HILL.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. DeLong, by request of Mr. De la Guerra, made a verbal report recommending the passage of Assembly Bill, No. 218, An Act to repeal so much of an Act entitled An Act supplemental to An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendments, read a third time, and passed.

Mr. Warmcastle made a verbal report recommending the passage of Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of the Contra Costa Agricultural Society.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendments, read a third time, and passed.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate Bill, No. 182, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco;

Also, Senate Bill, No. 173, An Act appropriating Money for the benefit of the Home for the care of the Inebriate in the City and County of San Francisco—and report the same correctly engrossed.

MERRITT,  
Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 14th, 1861. }

Mr. PRESIDENT:—The House on yesterday passed Assembly Concurrent Resolution, No. 40, Relative to Joint Convention for the election of Physicians and Trustees of the Insane Asylum, and request the concurrence of the Senate;

Also, have appointed Messrs. Harris, Tilden, and Ross, a Committee of Conference on the disagreeing vote of the two Houses upon Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte, and ask the appointment of a similar committee on the part of the Senate;

Also, passed Assembly Bill, No. 74, An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine.

J. W. SCOBAY,  
Assistant Clerk.

Assembly Concurrent Resolution, No. 40, above reported—was read, and concurred in.

Assembly Bill, No. 74, above reported—was read first and second times, and referred to the Committee on Education.

On motion of Mr. Dickinson, a Committee of Free Conference was appointed on the part of the Senate on the disagreeing vote of the two Houses upon Senate Bill, No. 41, consisting of Messrs. Vance, Irwin, and Dickinson.

#### INTRODUCTION OF BILLS.

Mr. Logan, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Hill, by leave, introduced a bill for An Act for the relief of Edward L. Green, former Sheriff of Sonora County.

Read first and second times, and referred to the Committee on Claims.

Mr. Parks, by leave, introduced a bill for An Act to grant the right of way for a Turnpike Road and to confer certain privileges to certain parties therein named in Sutter County.

Read first and second times, and placed on file.

Mr. Ryan, by leave, introduced a bill for An Act to amend an Act entitled An Act amendatory of an Act entitled An Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Military Affairs.

#### RESOLUTIONS.

Mr. Merritt offered the following resolution :

*Resolved*, That B. Steinman be, and he is hereby, allowed six weeks' pay for acting as Assistant Paper-Folder of the Senate, at the per diem as the Pages of the Senate, to be paid out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant therefor.

Adopted.

Mr. Hill offered the following resolution :

*Resolved*, That W. Hayden, Sergeant-at-Arms of the Joint Committee of the Senate and Assembly on the State Prison, be allowed eight dollars per diem for one week, and mileage, payable out of the Contingent Fund of the Senate.

Mr. Dickinson moved to strike out the words "and mileage."

Upon which, the ayes and noes were demanded by Messrs. Eagan, Shafter, and Dickinson, and taken with the following result: Ayes, 15—noes, 11:

**AYES**—Messrs. Clark, De la Guerra, Dickinson, Eagan, Edgerton, Franklin, Harvey, Haynes, Merritt, Parks, Rhodes, Shafter, Thornton, Warmcastle, and Williamson—15.

**NOES**—Messrs. Chase, DeLong, Denver, Heacock, Hill, Irwin, Logan, Ryan, Vance, Watkins, and Watt—11.

So the motion prevailed.

The resolution was then adopted as amended.

Senate Bill, No. 173, An Act appropriating Moneys for the benefit of the Home for the care of the Inebriate, in the City and County of San Francisco—was taken up read a third time, and passed.

Mr. Merritt in the Chair.

#### GENERAL FILE.

Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetary to give to purchasers of Lots their proper certificates of purchase and to manage the said Cemetary—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, and ordered to be engrossed, and read a third time.

Assembly Bill, No. 94, An Act to change the name of Meyer Moses to Moses Meyer—was considered in Committee of the Whole, and amendments reported by the Committee on Public Morals adopted.

## IN SENATE.

Reported back, amendments concurred in, and bill read a third time, and passed.

Assembly Bill, No. 163, An Act to amend Section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, and read a third time, and passed.

On motion of Mr. Denver, Senate Bill, No. 191, An Act to appropriate Money to pay the claim of L. B. Richardson—was taken up, and considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back and amendments concurred in, rules suspended, and bill considered engrossed, read a third time, and passed.

On motion of Mr. Shafter, Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—was taken from the table and placed on the General File.

Mr. Parks offered the following resolution :

*Resolved*, That the Attorney-General be requested to examine the title to the lands on which the State is about to erect a State Capitol, and more particularly that portion which has been used for public highways or street purposes, and report to this Senate as early as convenient his opinion as to whether the title to said land is now vested in the State.

Adopted.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 15th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Sharp presented the petition Of sundry Citizens of the City and



County of San Francisco, praying for the removal of the Toll-Gate now as Brannon Street Bridge to and beyond the south side of Center Street in said City and County.

Read and referred to the San Francisco Delegation.

#### REPORTS.

Mr. Warmcastle made the following report :

MR. PRESIDENT:—The undersigned, one of the delegation to whom was referred Senate Bill, No. 126, providing for a change of Boundary between the Counties of Sacramento and San Joaquin—have had the same under consideration and believing that the object contemplated in the bill is to effect certain swamp land locations made on what is known as Elk Island, between the east and west branches of the Mokelumne River or slough, which main channel of said river, or slough, is the boundary in part between the two counties, that any change of boundary to affect the rights of private parties would be improper, and the Surveyor-General of this State, on the application of the Board of Supervisors of San Joaquin County, having made a survey of that portion of the boundary between the two counties embracing said island, and the report of which is now on file in the Surveyor-General's office, it is believed that any legislation additional to define the boundary of the two counties is unnecessary, and would therefore recommend the indefinite postponement of the bill.

WARMCASTLE,

Of the San Joaquin Delegation.

Report received, and with bill, placed on file.

Mr. Heacock made the following report :

MR. PRESIDENT—The Sacramento Delegation as a portion of the special committee to whom was referred Senate Bill, No. 126—begs leave respectfully to report that they have had the same under consideration and report it back and recommend its passage.

CLARK,  
HEACOCK.

Report received, and with bill, placed on file.

Mr. Phelps made the following report :

MR. PRESIDENT:—The San Francisco and San Mateo delegations to whom was referred Senate Bill, No. 114, An Act to authorize R. C. Page, Wm. A. Piper, and their associates, to lay down Gas Pipes in the City and County of San Francisco—have had the same under consideration and report the bill back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Strike out all after the enacting clause and insert the following :

SECTION 1. R. C. Page, Wm. A. Piper, and their associates, or assigns, are hereby authorized to lay down gas pipes in all the streets of the city and county of San Francisco, and to use the same for the period of fifty years, for the purpose of supplying the said city and county and the people thereof with gas; *provided*, that they shall not unnecessarily obstruct the streets in laying down said pipes, and shall replace the paving and planking of the same in as good condition as they were in before being disturbed by them; and, *provided*, further, they shall do no injury to any gas pipes of any person, or of any other company organized in said city and county, or to any of the sewers, drains, or water courses of the said city and county; and, *provided*, further, the said parties shall commence

the manufacture and to supply gas to the inhabitants of said city within eighteen months from the passage of this act, or all the rights and privileges hereby granted shall cease and be determined and they shall hold no rights whatever under the provisions of this act.

T. G. PHELPS,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred the New York Annual Report of Commissioner of Emigration for eighteen hundred and sixty, report the same back and recommend that two thousand five hundred copies be printed.

JAS. T. RYAN,  
Chairman.

Report received and adopted.

Mr. Ryan also made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 178, entitled An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs—report the same back without amendments and recommend its passage.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Ryan also made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 123, entitled An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs—report the same back and recommend that it do not pass.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 176, An Act extending Stuart Street in San Francisco;

Also, Senate Bill, No. 54, An Act to amend an Act entitled An Act to amend An Act to exempt the Homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty;

Also, Senate Bill, No. 154, An Act entitled An Act in relation to the Water-Front adjacent to Block Number Nine in the City and County of San Francisco—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Eagan made the following report:

Mr. PRESIDENT:—The Committee on Education to whom was referred Senate Bill, No. 92, entitled An Act to provide for the disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School purposes, etc.—have had the same under consideration and report it back and recommend its passage.

EAGAN,  
For Committee.

Report received, bill ordered printed, and placed on file.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 139, entitled An Act providing for the building of a Wharf at the foot of Howard Street—report the same back with a substitute and recommend the passage of the substitute.

JAS. T. RYAN,  
Chairman.

Report received, and substitute read first and second times, and placed on file.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 15th, 1861.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 101, An Act relating to the sureties of C. F. Lynn, late Treasurer of Trinity County;

Also, Senate Bill, No. 171, An Act to transfer certain Funds.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 15th, 1861. }

Mr. PRESIDENT—On the fifth instant, the House passed Assembly Bill, No. 183, An Act to provide for the collection of Delinquent Taxes in the County of Calaveras;

Also, on yesterday, concurred in Senate amendments to Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County;

Also, Assembly Bill, No. 222, An Act to provide for the construction of a Wagon Road commencing at Antelope Springs in the County of Amador, and running thence by the best practicable route to Hope Valley on the Eastern slope of the Sierra Nevada Mountains;

Also, have this day passed Senate Bill, No. 134, An Act making an appropriation for the payment of the claim of C. W. Tozer and others for transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 183, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendments, read a third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for An Act defining the time of holding the Court of Sessions in the County of Fresno.

Read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Eagan, by leave, introduced a bill for An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization.

Read first and second times, and referred to the delegations from Amador, Calaveras, Tuolumne, and Mariposa.

Mr. Watt, by leave, introduced a bill for An Act in relation to the Incorporation of the Town of Grass Valley.

Read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Eagan, by leave, introduced a bill for An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five.

Mr. Vance, by leave, introduced a bill for An Act in relation to the Compensation of the County Auditor of Butte County.

Read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules still further suspended, bill considered engrossed, read a third time, and passed.

#### RESOLUTIONS.

Mr. Heacock offered the following resolution :

*Resolved*, That the Inspector of Pork, Beef, and Salt Provisions at the City of San Francisco be, and he is hereby, required within ten days after the adoption of this resolution, to furnish to the Senate a detailed statement in writing, signed and sworn to by him before some officer authorized to administer oaths, showing--

*First*—The quantity of beef, pork, or other salt provisions, inspected by him since the commencement of his term of office.

*Second*—The names of the persons, or firms, for whom, and at whose request, the same was inspected.

*Third*—The gross receipts of his office up to this date as such Inspector as aforesaid.

*Fourth*—The names and number of persons in his employ as Deputies, Clerks, or laborers, or in other capacities.

*Fifth*—The salaries or compensation of such persons.

*Sixth*—Whether any person is interested with him in the profits or emoluments of his office, and if so the name of said person or persons.

Mr. Thornton offered the following resolution as a substitute :

*Resolved*, That the Inspector of Salt Provisions at the city of San Francisco be requested to make to the Senate a full and accurate report of the transactions of his office from the date of its organization to the present time.

Rejected.

Mr. Parks moved to strike out the last clause of the original resolution. Agreed to.

Mr. Edgerton then moved to strike out the fifth and sixth clauses of the resolution.

Upon which, the ayes and noes were demanded by Messrs. Clark, Heacock, and Harvey, and taken with the following result: Ayes, 12—noes, 20:

**AYES**—Messrs. Crittenden, Denver, Eagan, Edgerton, Gallagher, Irwin, Logan, Ryan, Thornton, Vance, Watson, and Williamson—12.

**NOES**—Messrs. Burbank, Chase, Clark, DeLong, Dickinson, Franklin, Harvey, Haynes, Heacock, Hill, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thomas, Warmcastle, Watkins, and Watt—20.

So the motion was lost.

Mr. Dickinson moved to strike out the sixth clause of the resolution.

Lost.

The resolution was then adopted as amended.

Mr. DeLong offered the following Concurrent Resolution:

*Resolved*, By the the Senate, the Assembly concurring, that this Legislature on the eighth day of April next adjourn *sine die* at twelve m. of said day.

Adopted.

#### SPECIAL ORDER.

Senate Bill, No. 53, An Act for the protection of Water Companies, being the special order of the day—was taken up.

Mr. DeLong moved to recommit to the Committee on Mines and Mining Interests with special instructions to amend so as to apply only to water companies conveying water to incorporated towns or cities, etc. and that the committee be requested to report within two days.

Carried.

Senate Bill, No. 90—was taken up, and on motion returned to the file.

On motion of Mr. Merritt, the Senate took a recess until two o'clock,

P. M.

#### IN SENATE.

At two o'clock the Senate reassembled.

President in the Chair.

Roll called.

Quorum present.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 15th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly are now ready to meet in Joint Convention pursuant to adjournment.

J. M. ANDERSON,  
Clerk.

On motion of Mr. Shafter the Senate proceeded to the Assembly Chamber to meet the House in Joint Convention pursuant to adjournment.

## IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. Leet.

Assembly Roll called.

Absent—Messrs. Durst, Curtis, and Montgomery.

Journal of preceding convention read and approved.

Mr. Ross of the Assembly nominated Mr. Jackson Temple for the United States Senate.

## FOR U. S. SENATOR—FIFTEENTH BALLOT.

The Secretary then called the roll for a fifteenth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Temple...	Bowle.....
Burbank .....				1			
Chase... ..		1					
Clark .....		1					
De la Guerra.....			1				
De Long.....			1				
Denver .....	1						
Eagan .....			1				
Edgerton .....		1					
Franklin .....					1		
Gallagher .....			1				
Harvey.....		1					
Haynes.....	1						
Heacock .....				1			
Hill.....		1					
Irwin.....		1					
Logan .....	1						
Merritt .....			1				
Parks .....					1		
Pico .....			1				
Rhodes.....				1			
Ryan.....		1					
Shafter.....				1			
Sharp .....		1					
Thomas.....		1					
Watkins.....	1						
Watson.....			1				
Watt .....			1				
Williamson .....					1		
Adams.....		1					
Amyx .....					1		
Avery .....				1			
Baechtel.....						1	

NAMES.	Donver...	McDougall	Nugent...	Puels...	Weller...	Temple...	Bowle...
Banks .....				1			
Blair .....				1			
Briggs .....				1			
Burnell .....		1					
Buell .....	1						
Campbell .....				1			
Chandler .....					1		
Cherry .....			1	1			
Childs .....			1				
Clark .....				1			
Coleman .....	1						
Coltrin .....		1					
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Crocker .....				1			
Denniston .....		1					
Dougherty .....		1					
Eastman .....		1					
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster .....	1						
Gillette .....			1				
Gordon .....						1	
Green .....		1					
Gregory .....			1				
Hagans .....	1						
Hanson .....					1		
Harriman .....				1			
Harris .....	1						
Harrison .....	1						
Haun .....						1	
Henderson .....		1					
Hill .....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Johnson .....			1				
Lalor .....			1				
Lippincott .....			1				
Montgomery .....					1		
Morgan .....				1			
Morrison .....	1						
Munday .....			1				
O'Brien .....			1				
Patrick .....					1		
Piercy .....	1						

NAMES.	Denver....	McDougall	Nugent....	Phelps...	Weller....	Temple...	Bowie....
Porter.....				1			
Powell.....		1					
Ross.....						1	
Scott.....			1				
Smith, of Tulare.....							1
Smith, of Placer.....		1					
Spence.....				1			
Stearns.....		1					
Tilden.....		1					
Tilton.....				1			
Tittel.....				1			
Walden.....	1						
Walter.....		1					
White.....	1						
Wiley.....				1			
Wood, of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor were—

Messrs. Crittenden, Thornton, Warmcastle, Bradley, Kurtz, Laspeyre, Showalter, and Sorrel.

Those who voted for Mr. Washington were—

Messrs. Kungle and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Parks.

Mr. Wood of Yolo voted for Mr. Tod Robinson.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received eighteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received nine votes.

Mr. Creanor received eight votes.

Mr. Temple received one vote.

Mr. Washington received two votes.

Mr. Bowie received one vote.

Mr. Parks received one vote.

Mr. Rhodes received one vote.

Mr. Tod Robinson received one vote.

Mr. Dickinson of the Senate, and Mr. Miller of the House, declined voting.

There being no election, no one having received a majority of all the votes cast—



## FOR U. S. SENATOR—SIXTEENTH BALLOT.

The Secretary called the roll for the sixteenth ballot, with the following result :

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Temple...	Bowie ....
Burbank .....				1			
Chase .....		1					
Clark .....		1					
Crittenden .....			1				
De la Guerra.....			1				
DeLong .....		1					
Denver.....	1						
Eagan .....			1				
Edgerton.....		1					
Franklin.....					1		
Gallagher .....			1				
Harvey .....		1					
Haynes .....	1						
Heacock .....				1			
Hill.....		1					
Irwin .....		1					
Logan .....	1						
Merritt .....			1				
Parks .....					1		
Pico .....			1				
Rhodes.....				1			
Ryan .....		1					
Shafter .....				1			
Sharp .....		1					
Thomas.....		1					
Warmcastle.....	1						
Watkins.....	1						
Watson .....			1				
Watt .....			1				
Williamson.....					1		
Adams .....		1					
Amyx.....					1		
Avery .....				1			
Baechtel .....					1		
Banks .....				1			
Blair.....				1			
Briggs.....				1			
Burnell .....		1					
Buell .....	1						
Campbell.....				1			
Chandler .....					1		
Cherry .....				1			
Childs.....			1				

NAMES.	Denver....	McDougal	Nugent...	Phelps....	Weller....	Temple...	Bowie....
Clark.....				1			
Coleman .....	1						
Coltrin .....		1					
Conness .....		1					
Councilman.....				1			
Covarrubias .....		1					
Crocker .....				1			
Denniston .....		1					
Doughterty.....		1					
Eastman .....		1					
Fargo .....				1			
Flanders .....				1			
Ford .....				1			
Foster .....		1					
Gillette .....			1				
Gordon.....						1	
Green .....		1					
Gregory.....			1				
Hagans .....		1					
Hanson .....					1		
Harriman .....				1			
Harris .....	1						
Harrison .....	1						
Haun .....						1	
Henderson.....		1					
Hill.....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Johnson .....			1				
Kungle .....						1	
Lalor .....						1	
Laspeyre .....						1	
Lippincott .....			1				
Miller .....		1					
Montgomery .....					1		
Morgan .....				1			
Munday .....			1				
O'Brien .....			1				
Patrick .....					1		
Piercy .....		1					
Porter .....				1			
Powell .....		1					
Ross.....						1	
Scott .....						1	
Smith of Tulare .....							1
Smith of Placer.....		1					
Sorrel .....					1		

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Temple...	Bowie ....
Spence .....				1			
Stearns .....		1					
Tilden .....		1					
Tilton .....				1			
Tittel .....				1			
Walden....	1						
Walter .....		1					
White .....	1						
Willey .....				1			
Wood of Plumas .....	1						
Wright.....		1					

Those who voted for Mr. Creanor, were—

Messrs. Thornton, Bradley, and Kurtz.

Those who voted for Mr. Tod Robinson were—

Messrs. Showalter and Wood of Yolo.

Mr. Magruder voted for Mr. Washington.

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Parks.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Denver received twelve votes.

Mr. McDougall received thirty-two votes.

Mr. Nugent received sixteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received eleven votes.

Mr. Temple received seven votes.

Mr. Creanor received three votes.

Mr. Robinson received two votes.

Mr. Washington received one vote.

Mr. Bowie received one vote.

Mr. Rhodes received one vote.

Mr. Parks received one vote.

Mr. Dickinson of the Senate, and Mr. Morrison of the House, declined voting.

There being no election—no one having received a majority of all the votes cast—

Mr. Showalter moved that the convention adjourn until Tuesday, March nineteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs. Powell and Porter of the Assembly, and Mr. Vance of the Senate, and taken with the following result: Ayes, 57—noes, 55:

**AYES**—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Logan, Merritt, Parks, Pico, Thornton, Vance,

Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—57.

NOES—Messrs. Burbank, Chase, Clark, DeLong, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clarke, Goltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Morgan, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wright—55.

So the motion prevailed.

Whereupon the Senate returned to their chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,

Saturday, March 16th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Phelps presented the claim of James Anthony & Co. for printing done for a Select Committee of the Senate.

Read and referred to the Committee on Contingent Expenses.

#### REPORTS.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give purchasers of Lots their Certificate of Purchase and to manage the said Cemetery;

Also, Senate Bill, No. 191, An Act appropriating Money to pay the claim of L. B. Richardson—and report the same correctly engrossed.

MERRITT,

Chairman.

Report accepted.

On motion of Mr. Denver, the Secretary was directed to correct Senate Bill, No. 191, so that it should show that the appropriation made therein was made out of the General Fund.

Mr. Gallagher made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the following copying done for the Senate up to date, and find due the Secretary of the Senate:

Purpose.	Folio.	Per Folio.	Amount.
Tabular statement and statistics—			
Journals .....	1,467	15 cts.	\$220 05
Printer.....	2,108	10 cts.	210 80
Totals.....	3,575	.....	\$430 85

P. A. GALLAGHER,  
For Committee.

Report adopted.

Mr. Clark made a verbal report on Assembly Bill, No. 129, An Act making appropriation for the payment of the Per Diem and Mileage of Presidential Electors—recommending its passage.

Report received, and bill placed on file.

Mr. Phelps made a verbal report on Senate Bill, No. 90, An Act to authorize Robert Haley to construct a Wharf at the foot of Union Street in the City and County of San Francisco—recommending that it be referred to the Committee on Commerce and Navigation.

Report received, and bill so referred.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 16th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 84, An Act to authorize the Administrator of the estate of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 16th, 1861.

Mr. PRESIDENT:—On the twelfth instant the House passed Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of Calaveras County to levy a special Tax and to provide for building a Bridge in said County;

Also, on the fifteenth instant passed Assembly Bill, No. 42, An Act for

the payment of expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 238, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 42, above reported—was read first and second times, and referred to the Calaveras Delegation.

Mr. Logan, by leave, made the following report :

Mr. PRESIDENT :—The Committee on Mileage beg leave respectfully to report the following sums of money due each of the members of the State Prison Committee for mileage in visiting the State Prison as per order of the Senate, payable out of the Contingent Fund of the Senate :

Purpose.	Amount.
Senator Hill.....	\$52 00
Senator Pico.....	52 00
Senator Ryan.....	52 00
Senator Vance.....	52 00
Senator DeLong.....	52 00
Senator Heacock.....	52 00
Senator Phelps.....	52 00

LOGAN,  
Chairman.

Report adopted.

#### INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill for An Act to provide for the payment of General A. M. Winn.

Read first and second times, and referred to the Committee on Claims.

Mr. Phelps, by leave, introduced a bill for An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Watson, by leave, introduced a bill for An Act to provide for the construction of certain Wharfs in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Clark, the Senate Sub-Committee to the Finance Committee were granted leave to meet in the capitol building during the session of the Senate.

Mr. Phelps, by leave, presented a petition from sundry citizens of San Francisco remonstrating against the passage of An Act providing for the building of a Wharf at the foot of Howard Street in said City.

Received and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 54, An Act to amend an Act entitled An Act to amend An Act to exempt the Homestead and other property from forced Sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one,

approved April twenty-eighth, eighteen hundred and fifty-six—was taken up, read a third time, and passed.

On motion of Mr. Heacock, the title was stricken out and the following adopted in lieu thereof: "An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, entitled An Act to amend An Act to exempt the Homestead and other property from forced Sale in certain cases, passed April twenty-first, A. D. eighteen hundred and fifty-one."

#### GENERAL FILE.

Senate Bill, No. 90—was taken up, and placed at the bottom of the file.

Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act, passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April nineteenth, eighteen hundred and fifty-nine—was taken up, and considered in Committee of the Whole, and amendments reported by the delegation adopted.

#### IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 167, An Act for the relief of Wm. L. Patterson—was considered in Committee of the Whole, and amendment reported by the Committee on Claims adopted.

#### IN SENATE.

Reported back and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 194, An Act to grant the right of way for a Turnpike Road and to confer certain privileges to the parties therein named in Sutter County—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena in the County of Mendocino—was considered in Committee of the Whole, and amendments proposed by the Committee on Commerce and Navigation adopted.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Mr. Sharp moved to suspend the rules, and take Senate Bill, No. 90, from the bottom of the file, and place it next after Senate Bill, No. 166. Mr. De Long moved a call of the Senate.

Lost.

Question recurring on motion of Mr. Sharp—was put and carried.

On motion of Mr. Phelps, Senate Bill, No. 99, An Act to audit and allow a claim of John F. McCauley against the State—was taken from the file and made the special order of the day for Thursday, March twenty-first, eighteen hundred and sixty-one, at five minutes before twelve o'clock.

Senate Bill, No. 166, An Act to provide for the payment of services ren-

Reported back without amendment, and the question being on ordering the bill engrossed—was put and lost.

Mr. Watson moved to reconsider the vote just had, by which the Senate refused to order Senate Bill, No. 166, to be engrossed.

Upon which, the ayes and noes were demanded by Messrs. De Long, Parks, and Ryan, and taken with the following result: Ayes, 11—noes, 13:

**AYES—Messrs. Burbank, Clark, De Long, Harvey, Heacock, Logan, Pico, Ryan, Shafter, Sharp, and Watt—11.**

NOES—Messrs. Denver, Eagan, Franklin, Gallagher, Merritt, Parks, Phelps, Rhodes, Thomas, Thornton, Warmcastle, Watson, and William-son—13.

**MESSAGE FROM THE GOVERNOR.**

**The following message was received from the Governor:**

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 16th, 1861. }

*To the Honorable the Senate of California:*

I transmit herewith a communication addressed to me by the Hon. Thomas H. Williams, Attorney-General of the State, relating to suits brought against the Treasurer to recover back money paid into the State Treasury for Stamps—and respectfully call your early attention to the same.

JOHN G. DOWNEY,  
Governor.

Message read, and with communication, referred to the Judiciary Committee.

**MESSAGE FROM THE ASSEMBLY.**

**The following message was received from the Assembly :**

ASSEMBLY CHAMBER,  
March 16th, 1861. }

**MR. PRESIDENT:**—The House on the fourteenth instant passed Assembly Bill, No. 57, An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco and to run Horse Cars thereon;

Also, Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco.

**J. W. SCOBEE,**  
**Assistant Clerk.**

**Assembly Bill, No. 57, above reported—was read first and second times, and referred to the San Francisco Delegation.**

Assembly Bill, No. 56, above reported—was read first and second times, and referred to the San Francisco Delegation.

On motion of Mr. De Long, one day's leave of absence was granted to the Assistant Sergeant-at-Arms.

Mr. De Long moved to adjourn.



Upon which, the ayes and noes were demanded by Messrs. Burbank, Clark, and Phelps, and taken with the following result: Ayes, 11—noes, 14:

**AYES**—Messrs. De Long, Denver, Franklin, Haynes, Logan, Merritt, Pico, Ryan, Thomas, Vance, and Watson—11.

**NOES**—Messrs. Burbank, Clark, Eagan, Gallagher, Harvey, Heacock, Parks, Phelps, Rhodes, Shafter, Sharp, Thornton, Warmcastle, and Williamson—14.

So the motion was lost and the Senate refused to adjourn.

Senate Bill, No. 90, coming next on the file—was taken up.

Mr. Eagan moved to make the bill the special order for Monday next at twelve o'clock, M.

Lost.

Mr. Clark moved that the bill be returned to the top of the file.

Agreed to.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, March 18th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

On motion of Mr. Irwin, indefinite leave of absence was granted to Mr. Edgerton.

## REPORTS.

Mr. Merritt made the following report:

**MR. PRESIDENT:**—Your Committee on Engrossed Bills have examined Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street in the City and County of San Francisco;

Also, Senate Bill, No. 169, An Act to amend An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 192, An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County—and report the same correctly engrossed.

MERRITT,

Report accepted.

Chairman.

Mr. Williamson made the following report:

**MR. PRESIDENT:**—Your Committee on Enrolled Bills have examined Senate Bill, No. 134, An Act making an appropriation for the payment of

the claim of C. W. Tozer and others, for the transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory—and report the same correctly engrossed, and on Saturday, March sixteenth, eighteen hundred and sixty-one, at three o'clock, P. M. delivered the same to the Governor for his approval.

WILLIAMSON,  
For Committee.

Report accepted.

#### INTRODUCTION OF BILLS.

Mr. Harvey, by leave, introduced a bill for An Act amendatory of, and supplemental to, An Act passed April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases.

Read first and second times, and referred to the Committee on Public Hospitals.

Mr. Harvey, by leave, also introduced a bill for An Act amendatory of, and supplemental to, An Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments.

Read first and second times, and referred to the Committee on Public Hospitals.

Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots therein proper Certificates of Purchase, and to manage the said Cemetery—was taken up, read a third time, and passed.

Mr. De Long in the Chair.

#### GENERAL FILE.

Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—was taken up, and considered in Committee of the Whole.

Mr. Burbank moved a call of the Senate.

Agreed to.

Roll called.

Sergeant-at-Arms dispatched for the absentees.

Absent—Messrs. Chase, Crittenden, Dickinson, Franklin, Edgerton, Haynes, Heacock, Merritt, Parks, Phelps, Pico, Warmcastle, and De la Guerra.

Mr. Burbank then moved that further proceedings under the call be dispensed with.

Carried.

On motion of Mr. Sharp, Senate Bill, No. 90—was returned to the file.

On motion of Mr. Logan, Senate Bill, No. 26, Relative to Swamp Lands—was taken up, and made the special order of the day for Thursday, March twenty-first, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

Mr. Logan moved that the Senate do now adjourn, for the reason that Senators will not attend to business.

Lost.

Mr. Watkins, by leave, presented a claim in the shape of a Controller's warrant in favor of G. D. Bliss.


Received and referred to the Committee on Claims.

On motion of Mr. Clark, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 19th, 1861. } 

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called.  
Quorum present.  
Journal of yesterday read and approved.

## REPORTS.

Mr. Shafter made the following report :

MR. PRESIDENT :—The Committee on Enrolled Bills report that they have had under consideration Senate Bill, No. 115—and find the same correctly enrolled.

SHAFTER,  
For Committee.

Report accepted.

Mr. Merritt made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act, passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April nineteenth, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 167, An Act for the relief of William L. Patterson;

Also, Senate Bill, No. 121, An Act to regulate Pawnbrokers in this State and to define their liabilities—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Franklin made the following report :

MR. PRESIDENT :—Your Committee on State Hospitals respectfully submit the following report on the condition of the State Insane Asylum, ascertained by visiting and inspection of the same :

We find the financial affairs of the asylum on a complete economical basis.

After inquiry and examination of the books and accounts of the Treasurer, Secretary, and Clerk, we were satisfied with the vouchers produced for the expenditures of the institution.

It is with pleasure we report that no debts have been contracted by the Trustees during the last fiscal year, and thus far during the present, the expenditures have been kept within the appropriation. The Trustees report that of the appropriation of eighty-four thousand dollars, made by the last Legislature for the support of the asylum for the fiscal year commencing July first, eighteen hundred and sixty, and ending June thirtieth, eighteen hundred and sixty-one, the sum of thirty-five thousand dollars had been drawn from the State Treasury, leaving undrawn forty-nine thousand dollars, and that there remained on hand of the sum drawn, after paying all the indebtedness of the institution up to the first of De-

cember, eighteen hundred and sixty, a balance of four thousand nine hundred and fifty-six dollars and eighty cents, which, being added to the forty-nine thousand dollars yet undrawn, leaves a sum total of fifty-three thousand nine hundred and fifty-six dollars and eighty cents for the remainder of the fiscal year, which your committee deem sufficient to pay all the expenses that may accrue for the remainder of the fiscal year.

The special appropriation of one thousand dollars, for the purchase of cows and the establishment of a dairy, has been faithfully applied, and, although it has undoubtedly contributed to the well-being and health of the inmates as well as a saving of expense in living, yet, in order to make it complete, we cordially agree with the Resident Physician and Trustees in recommending an additional appropriation to be expended in the purchase of an additional number of cows. The cows purchased last year were fed from the offal from the kitchen, and hay gathered from the grounds mostly by the labor of the inmates.

The hygienic condition of the wards, apartments, mad-houses, bath-rooms, privys, etc. together with the inclosures for out-door exercise, evinced the most scrupulous regard for the comfort and sanitary benefit of the unfortunate inmates.

The result of the treatment, as shown by the statistics contained in the report of the Resident Physician of the asylum, will compare favorably with similar institutions in the Atlantic States or elsewhere; particularly is this true when we consider the almost innumerable exciting causes of mental disease existing in California not observed anywhere else. But whilst this is the fact, we must state that the institution is already too much crowded, and in the language of the report of the Resident Physician, which we cordially indorse, both the health and comfort of the patients will be prejudiced by any addition to their numbers without a corresponding addition to the buildings.

The books of the asylum were found correct, concise, and easily understood, reflecting credit to the Secretary and Clerk having them in charge.

Finally, your committee are of opinion that the business of the asylum in all its details, legal requirements, etc. are faithfully carried out. The Resident Physician has made many improvements on the grounds connected with the institution. This has been accomplished mostly by the labor of such patients as were found in a condition to engage in moderate labor, it being universally acknowledged that exercise in the open air materially improves the condition of the inmates.

We would particularly invite your attention to a comparative statement of the cost of maintaining each person per week in some of the principal insane asylums in the United States, found in the report of the Resident Physician.

It speaks volumes in praise of the management of the institution on the score of economy. When we consider the high price of provisions, salaries, etc. in California, we would respectfully refer to said report for much valuable information which cannot be embodied in a report like this.

For the amount required the next fiscal year we would recommend \_\_\_\_\_ dollars, as the sum to be inserted in the general appropriation bill of the present session, for the support of the State Insane Asylum; and for the purpose of having the institution properly arranged for the more improved methods of ventilation, lighting, and heating, we would recommend that a competent Architect be appointed to submit plans to the Board of Trustees, and that a sum be appropriated, as a contingent fund, to carry out said plans, and for no other purpose. We would particularly recommend this, both on the score of economy as well

as the comfort of the inmates; besides, the present mode of heating, etc. the buildings are in constant danger of taking fire, which would be greatly lessened by adopting the system proposed.

We would recommend the purchase, by the State, of block, No. — situated immediately in the rear of the buildings. It would increase the inclosure for out-door exercise, at present very much confined. The square on which the building is situated is surrounded on three of its sides with public streets. The Trustees assured as that the authorities in control would vacate two of the streets if said block is purchased, thereby donating as much additional ground to the State as is contained in the block itself. It would afford space for an inclosure, especially for the females. The narrow plat in immediate proximity to the streets, at present excludes the females from out-door exercise, except in a contracted inclosure in close vicinity to the mad-house.

We cannot conclude this report without referring to the Resident and Visiting Physicians, Trustees, and Treasurer, in terms of commendation, not only on account of their devotion to the very best interest of the asylum, but for their untiring industry in behalf of the institution which is recognized in the admirable system of good order which prevails in every department, tending to promote the comfort and happiness of the inmates.

With a view of carrying out the recommendations in this report, we will, at an early day, introduce a bill, or bills, which we will recommend to your favorable consideration.

J. J. FRANKLIN,  
Chairman.

Report accepted.

Mr Harvey, of the committee, gave notice that he would at an early day make a further report :

Mr. Vance made the following report :

MR. PRESIDENT:—The Committee of Free Conference appointed by the Senate and Assembly to consider Assembly Bill, No. 41, An Act for the collection of Delinquent Taxes in the County of Butte, for the purpose of adjusting the differences between the two Houses, recommend that words "fifty per cent." be stricken from the Senate amendment, and insert in lieu thereof the words "eighteen per cent." all other amendments to be concurred in.

VANCE,  
Chairman of Senate Committee.

Report received and adopted.

Mr. Crittenden made the following report :

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the following copying done for the Senate up to date, and find due the Secretary of the Senate :

Purpose.	Folio.	Per Folio.	Amount.
Journals and Appendix.....	1,473	15 cts.	\$220 95
For Printer.....	2,438	10 cts.	243 80
Totals.....	3,911	.....	\$464 75

CRITTENDEN,  
For Committee.

March 19th, 1861.

Report received and adopted.

Mr. Sharp made the following report :

MR. PRESIDENT:—The San Francisco Senate Delegation, to whom was referred Assembly Bill, No. 57, entitled An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco and to run Horse Cars thereon—have had the same under consideration and beg leave to report the same back and recommend its passage.

SHARP,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Sharp also made the following report :

MR. PRESIDENT—The San Francisco Senate Delegation, to whom was referred Assembly Bill, No. 56, entitled An Act to provide for a Railroad within the City and County of San Francisco—have had the same under consideration and herewith report the same back and recommend its passage.

SHARP,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Shafter made the following report :

MR. PRESIDENT:—The Special Committee appointed to meet a committee upon part of the Assembly relative to the appointment of a State Translator under Section Fifteen of An Act concerning the office of Secretary of State—report that said Joint Committee have found that Eugene Liés is the lowest competent bidder, and have therefore appointed said Liés to said office. Your committee further report that in their judgment the maximum compensation now allowed by law for translation is too high, and they therefore recommend the passage of the accompanying bill.

SHAFTER,  
For Committee.

Report received, and bill reported therewith, An Act in amendment to An Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four.

Read first and second times, and placed on file.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 19th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 134, An Act making an appropriation for the payment of claim of C. W. Tozer and others, for the transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM BOARD OF EXAMINERS.

The following message was received from the Board of Examiners :

OFFICE OF BOARD OF EXAMINERS, }  
Sacramento, March 19th, 1861.

*To the Honorable the Senate of California :*

I transmit herewith to your honorable body the following claims which

have been approved by the Board, together with the papers and decision in each case to wit:

Purpose.	Amt. Claimed.	Amt. Allowed.
Claim No. 215, of Wm. S. Botts.....\...	\$644 29	\$644 29
Claim No. 218, of Greenhood & Newbaur.....	204 00	136 00
Claim No. 221, of Wells, Fargo & Co.....	95 00	95 00
Totals.....	\$943 29	\$975 29

JOHN G. DOWNEY,  
President Board of Examiners.

Read and with accompanying documents referred to Committee on Claims.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
March 18th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly have passed Assembly Bill, No. 64, An Act to amend an Act entitled An Act to regulate proceedings in Civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate Bill, No. 98, with an amendment, and ask the concurrence of the Senate;

Also, Assembly Bill, No. 176, An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon private property, approved March thirty-first, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers;

Also, on the sixteenth, passed Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty, with amendments, and ask the concurrence of the Senate;

Also, concurred in Senate amendments to Assembly Bill, No. 94, An Act to change the name of Meyer Moses to Moses Meyer.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 64, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 176, above reported—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 149, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 98, above reported—was considered and amendments concurred in.

Senate Bill, No. 145, above reported—was taken up, and referred to the Finance Committee.

#### INTRODUCTION OF BILLS.

Mr. Williamson, by leave, introduced a bill for An Act for the permanent location of the County Seat of Stanislaus County.

Read first and second times, and petitions in relation thereto, referred to the Committee on Counties and County Boundaries.

Mr. Burbank, by leave, introduced a bill for An Act in relation to the Probate Court in the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

Mr. Burbank, by leave, introduced a bill for An Act supplementary to an Act entitled An Act to regulate proceedings in Civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Parks, by leave, introduced a bill for An Act to amend an Act entitled An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz.

Read first and second times, and placed on file.

Mr. Clark, by leave, introduced a bill for An Act to grant the right to construct a Bridge across the American River to Samuel Norris.

Read first and second times, and referred to the Sacramento Delegation.

Mr. Sharp, by leave, introduced a bill for An Act amendatory of, and supplemental to, an Act passed March twenty-sixth, A. D. eighteen hundred and fifty-one, entitled An Act to provide for the disposition of certain property of the State of California.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Sharp presented sundry proposed amendments to the Constitution of the State of California.

Received and referred to the Judiciary Committee.

Mr. Sharp presented the claim of F. H. Woods for two hundred and twenty dollars.

Received and referred to the Committee on Claims.

Mr. Parks presented the claim of William Bofer & Co. for three hundred and eight dollars.

Received and referred to the Committee on Claims.

Mr. Merritt in the Chair.

#### GENERAL FILE.

Senate Bill, No. 169, An Act to amend an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven—was taken up, read a third time, and passed.

On motion of Mr. De Long, the rules were suspended, and Senate Bill, No. 121, An Act to regulate Pawnbrokers in this State, and to define their liabilities—was taken up, and referred to a special committee of three, with special instructions.

The Chair appointed as such Special Committee, Messrs. De Long, Shafter, and Parks.

Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—was taken up, and considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed, and read a third time.

On motion the Senate took a recess until two o'clock, P. M.



## IN SENATE.

At two o'clock, P. M. the Senate reassembled.

President in the Chair.

Roll called.

Quorum present.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 19th, 1861. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention pursuant to adjournment.

J. W. SCOBEY,  
Assistant Clerk.

On motion of Mr. Burbank, the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention.

## IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Haynes and Edgerton.

Assembly roll called.

All present.

Minutes of preceding convention read and approved.

Mr. Showalter moved that the convention adjourn until to-morrow, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. DeLong and Phelps of the Senate, and Mr. Fargo of the House, and taken with the following result: Ayes, 47—noes, 62:

**AYES**—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Lect, Logan, Merritt, Parks, Pico, Thornton, Warmcastle, Watkins, Watt, Williamson, Bradley, Buell, Chandler, Childs, Foster, Gillette, Gregory, Hagans, Hanson, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Morrison, O'Brien, Patrick, Piercy, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—47.

**NOES**—Messrs. Burbank, Chase, Clark, DeLong, Harvey, Heacock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Watson, Adams, Amyx, Avery, Baechtel, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clarke, Coleman, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Harriman, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Montgomery, Morgan, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Walter, Willey, and Wright—62.

So the motion was lost, and the convention refused to adjourn.

## FOR U. S. SENATOR—SEVENTEENTH BALLOT.

The Secretary called the roll for the seventeenth ballot, with the following result:

NAMES.	Denver....	McDougal	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Burbank .....				1			
Chase.....		1					
Clark .....		1					
De la Guerra.....			1				
Denver .....	1						
Eagan.....			1				
Franklin .....					1		
Gallagher.....			1				
Harvey .....		1					
Heacock .....				1			
Hill .....		1					
Irwin .....		1					
Leet .....	1						
Logan.....	1						
Merritt .....			1				
Parks .....					1		
Rhodes .....				1			
Ryan.....		1					
Shafter .....				1			
Sharp.....		1					
Thomas .....		1					
Thornton .....			1				
Vance .....	1						
Warmcastle .....	1						
Watkins .....	1						
Watson .....			1				
Watt.....			1				
Adams.....		1					
Amyx.....					1		
Avery .....				1			
Baechtel .....					1		
Banks.....				1			
Blair .....				1			
Briggs .....				1			
Burnell .....		1					
Buell.....	1						
Campbell .....				1			
Chandler .....					1		
Cherry.....				1			
Childs .....			1				
Clark .....				1			
Coleman .....	1						
Conness .....		1					
Councilman .....				1			
Covarrubias .....		1					
Crocker .....				1			
Curtis .....	1						
Denniston .....		1					

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Gordon.....		1					
Green.....			1				
Gregory.....	1						
Hagans.....							1
Hanson.....					1		
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Henderson.....		1					
Hill.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Lalor.....			1				
Lippincott.....			1				
Miller.....			1				
Montgomery.....						1	
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Porter.....				1			
Powell.....		1					
Ross.....			1				
Scott.....			1				
Smith of Tulare.....							1
Smith of Placer.....		1					
Sorrel.....						1	
Spence.....				1			
Stearns.....		1					
Tilden.....		1					
Tilton.....				1			
Tittel.....				1			
Walter.....		1					
White.....	1						
Willey.....				1			
Wood of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor were—

Messrs. Crittenden, Williamson, Bradley, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Messrs. Haun, Kungle, and Magruder.

Those who voted for Mr. Bowie were—

Messrs. Hagans and Smith of Talare.

Those who voted for Mr. Brent were—

Messrs. Pico, Piercy, Showalter, and Wood of Yolo.

Mr. Dickinson voted for Mr. Bidwell.

Mr. Kurtz voted for Mr. Curtis.

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-six votes.

Mr. Nugent received nineteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received eleven votes.

Mr. Creanor received four votes.

Mr. Brent received four votes.

Mr. Washington received three votes.

Mr. Bowie received two votes.

Mr. Heacock received one vote.

Mr. Bidwell received one vote.

Mr. Curtis received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR U. S. SENATOR—EIGHTEENTH BALLOT.

The Secretary called the roll for the eighteenth ballot, with the following result:

NAMES.	Denver ...	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie.....
Burbank.....				1			
Chase .....		1					
Clark .....		1					
De la Guerra.....			1				
Denver.....	1						
Dickinson.....				1			
Eagan .....			1				
Franklin .....					1		
Gallagher .....			1				
Harvey.....		1					
Heacock .....				1			
Hill .....		1					

NAMES.	Denver....	McDougall	Nigent ...	Phelps ....	Weller....	Hoge .....	Bowie ....
Irwin .....		1					
Leet .....	1						
Logan.....	1						
Merritt.....			1				
Parks .....					1		
Rhodes.....				1			
Ryan .....		1					
Shafter.....				1			
Sharp .....		1					
Thomas .....		1					
Thornton.....			1				
Watkins .....	1						
Watson.....			1				
Watt .....			1				
Amyx .....					1		
Avery .....				1			
Baechtel.....					1		
Banks.....				1			
Blair .....				1			
Briggs.....				1			
Burnell.....		1					
Buell .....	1						
Campbell .....				1			
Chandler.....					1		
Cherry .....				1			
Childs .....			1				
Clark .....				1			
Coleman.....	1						
Conness .....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker .....				1			
Denniston .....		1					
Dougherty.....		1					
Durst .....		1					
Eastman.....		1					
Fargo .....				1			
Flanders.....				1			
Ford .....				1			
Foster.....	1						
Gillette.....			1				
Gordon.....					1		
Green .....		1					
Hagans.. .....			1				
Hanson.....					1		
Harriman.....				1			
Harris.....	1						
Harrison.....	1						

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Henderson .....		1					
Hill .....		1					
Holman .....					1		
Horrell .....			1				
Hunter .....		1					
Johnson .....			1				
Lalor .....			1				
Lippincott .....			1				
Montgomery .....					1		
Morgan.....				1			
Morrison .....		1					
Munday .....							1
O'Brien .....			1				
Patrick.....					1		
Porter.....				1			
Powell .....		1					
Ross .....			1				
Scott.....			1				
Smith of Tulare .....							1
Smith of Placer.....		1					
Sorrel .....					1		
Spence .....				1			
Stearns .....		1					
Tilden.....		1					
Tilton .....				1			
Tittel .....				1			
Walter .....		1					
White .....	1						
Wiley .....				1			
Wood of Plumas .....	1						
Wright.....		1					

Those who voted for Mr. Creanor, were—

Messrs. Crittenden, Warmcastle, Williamson, Bradley, Gregory, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Haun, Kungle, and Magruder.

Those who voted for Mr. Brent were—

Messrs. Pico, Piercy, Showalter, and Wood of Yolo.

Those who voted for Mr. Bowie were—

Messrs. Munday and Smith of Tulare.

Mr. Phelps voted for Mr. Heacock.

Mr. Vance voted for Mr. Dickinson.

Mr. Kurtz voted for Mr. Curtis.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Denver received eleven votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received seventeen votes.

Mr. Phelps received twenty-four votes.

Mr. Weller received eleven votes.

Mr. Creanor received six votes.

Mr. Brent received four votes.

Mr. Washington received three votes.

Mr. Bowie received two vote.

Mr. Heacock received one vote.

Mr. Dickinson received one vote.

Mr. Curtis received one vote.

There being no election, no one having received a majority of all the votes—

Mr. Burbank moved that the convention do now adjourn, until Wednesday, March twentieth, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs Ryan and Gallagher of the Senate, and Mr. Spence of the House, and taken with the following result: Ayes, 63—noes, 47:

**AYES**—Messrs. Burbank, Chase, Crittenden, De la Guerra, Denver, Dickinson, Egan, Franklin, Gallagher, Leet, Logan, Morrill, Parks, Phelps, Pico, Rhodes, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Banks, Bradley, Buell, Campbell, Chandler, Cherry, Childs, Coleman, Crocker, Flanders, Foster, Gillette, Gordon, Gregory, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, Walden, White, Willey, and Wood of Plumas—63.

**NOES**—Messrs. Clark, DeLong, Harvey, Heacock, Hill, Irwin, Ryan, Shafter, Sharp, Thomas, Adams, Avery, Baechtel, Blair, Briggs, Burnell, Clarke, Conness, Councilman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Montgomery, Morgan, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Wood of Yolo, and Wright—47.

So the motion prevailed.

Whereupon the Senate returned to their chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 20th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## COMMUNICATION FROM THE ATTORNEY-GENERAL.

The President presented a communication from the Attorney-General, which was read as follows :

ATTORNEY-GENERAL'S OFFICE, }  
Sacramento City, March 20, 1860. }

*To the President of the Senate :*

SIR :—The resolution of the Senate, relative to the title to land occupied for State Capitol purposes, has been received.

Upon examination of the records of Sacramento County, I find that the land, upon which the city of Sacramento is located, and of which the Capitol grounds are a part, was conveyed by John A. Sutter, Sr., who claimed the same by virtue of a grant from the Mexican Government, to John A. Sutter, Jr. October fourteenth, eighteen hundred and forty-eight.

That Sutter, Jr. reconveyed to Sutter, Sr. June twenty-fifth, eighteen hundred and forty-nine, and the latter again conveyed to the former, May seventh, eighteen hundred and fifty.

As appeared by the certittates of the Searcher of Records, hereafter spoken of, the parties claiming lots and parcels of land within the boundaries of the Capitol grounds, did the same through the Sutters.

So far as I have examined, I find the usual description of the land embraced in the Capitol grounds, in conveyances from one to another, to be, "Lot ———, in the square, or block, between ——— streets," for example, lot numbered eight, in the square between L and M, and Tenth and Eleventh streets.

On the second day of October, A. D. eighteen hundred and forty-nine, Sutter, Jr. conveyed to the then and future property holders of Sacramento, the streets and alleys embraced in the above mentioned and other city lands, the same to be held and controlled by the future corporation of said city, as streets and alleys for the use, as such, of the public.

Soon after the passage of the act of March twenty-ninth, eighteen hundred and sixty, entitled An Act to provide for the Construction of the State Capitol in the city of Sacramento, I caused an abstract of the title of the land described in the first section of said act, to be made by Mr. Stevens, Searcher of Records.

As a precautionary measure, the streets and alleys were also set forth in the abstract, and were described as claimed by the city of Sacramento and John A. Sutter, Jr.

I gave the notice, made the motion, and took all of the steps required by the act aforesaid, necessary to the appointment of the Commissioners to appraise the land sought to be condemned.

The Commissioners were duly appointed, and I think legally and faithfully discharged their duties.

Upon a careful examination of the record now on file in the office of



the Secretary of State, I am satisfied that the law has been strictly pursued by all parties connected with the transaction, and that everything which could be done, under the law necessary to perfect the title, has been done.

The Commissioners estimated the interest of Sutter, Jr. in the streets and alleys, at two dollars, to which no exception appeared to have been made by any party in interest.

The Board of Supervisors of the city and county of Sacramento, passed an order authorizing a conveyance to the State of the interest of the city in the streets and alleys, and a deed was accordingly, in due form, executed.

The foregoing statement of facts, though brief, is sufficient to a proper understanding of the questions of law involved. I think the title to all of the land aforesaid is beyond question, except that portion formerly used as streets and alleys, and as to that portion, I think there is no reasonable ground for serious apprehension, although important and intricate propositions of law may be more, or less, involved.

I regard the deed of Sutter, Jr. to the property holders, or future corporation of the city, as a mere dedication of the streets and alleys, named in it, to public use. The fee remained in him until the condemnation of the land under the State Capitol act, unless it had previously passed to others by conveyance of the adjoining lands.

I am disposed to hold that it has so passed. The rule of law as laid down by the most able and distinguished American and English writers is, that every thoroughfare which is used by the public, and is common to all, is a highway, and the presumption is that the owners of the land, on each side, go to the center of the highway, and they have the exclusive right to the soil, subject to the right of passage in the public. The established inference of law is that a conveyance of land, bounded on a public highway, carried with it the fee to the center. The idea of an intention in a grantor to withhold his interest in a road to the middle of it, after parting with all his right and title to the adjoining land, is never presumed.

It would require an express declaration, or something equivalent thereto, to sustain such an inference, and it may be considered as the general rule that a grant of land, bounded upon a highway, or river, carries the fee in the highway, or river, to the center of it; *provided*, the grantor, at the time, owned to the center, and there be no words, or specific descriptions, to show the contrary intent. It is well settled that a conveyance bounding land on the side of the road, or upon a highway, or running to a highway, is a conveyance of the land to the center of the road, or highway. In the leading case of the John and Cherry streets, of the city of New York, decided by Judge Cowan, it is held that the same rule applied to streets.

The deed executed by the Board of Supervisors, amounts to nothing more than a vacation of the use of the streets and alleys by the public, which is all the law gave them power to do. The vacation of the streets and alleys by the public, restored the same to the owners of the fee, free of incumbrance, and, if as herein maintained, the fee was in the owner of the adjoining land, the title of the State is clear, because she had, by process equally as effective as by grant, become, prior to said vacation, the owner of all the adjoining lands, and had, by such process, succeeded to all the rights appertaining thereto, which were in the Sutters, or their grantees.

For the purpose, however, of avoiding the propositions discussed, the

precaution was taken to condemn the interest of any remaining in Sutter, and I cannot now discover anything in the proceeding calculated to endanger its regularity and validity.

In conclusion, allow me again to express my confidence in the title of the State to the whole of the land described in the act aforesaid.

Respectfully,

THOS. H. WILLIAMS,  
Attorney-General.

Communication received and referred to the Judiciary Committee.

#### REPORTS.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 194, An Act to grant the right of way for a Turnpike Road and to confer certain privileges to certain parties therein named in Sutter County—and they report the same as engrossed correctly.

MERRITT,  
Chairman.

Report accepted.

Mr. Sharp made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration report as follows :

Assembly Bill, No. 84, An Act to provide for recording certain Deeds and to make the same notice and evidence—and recommend its passage ;

Also, Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child—report the same back with the following amendments :

Section one, line ten, after the word “proper,” insert words as follows : “*Provided*, that no such sale shall be made unless the Probate Court of Alameda County shall first determine upon proper showing that the said sale is necessary and advantageous for the interest of the said infant heir, and also”—and recommend its passage as amended ;

Also, Senate Bill, No. 187, An Act to authorize Peter Davidson to execute a certain Conveyance in behalf of his Infant Children—report the same back with the following amendment :

Strike out “section three,” and insert in lieu thereof words as follows :

“Section 3. No conveyance in pursuance of this act shall be valid or effectual for any purpose unless the same be made under the direction of, and be approved by, the Judge of the Probate Court of Santa Clara County, and a copy of the order directing and approving the same shall be recited at length in such conveyances”—and recommend its passage as amended.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Franklin made the following report :

Mr. PRESIDENT:—Your Committee on State Hospitals, to whom was referred Senate Bill, No. 204, An Act amendatory of, and supplemental to, An Act, passed April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases—have had the same under consideration and report the same back and recommend its passage without amendment ;

Also, Senate Bill, No. 205, An Act amendatory of, and supplemental to, An Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—with an amendment and recommend its passage as amended.

Amend section one, line eight from bottom, before the word "miscarriage" add "abortion, or," and the same words wherever the words "miscarriage" occurs.

FRANKLIN,  
Chairman.

Report received, and with bills, placed on file.

Mr. Eagan made the following report:

MR. PRESIDENT:—The Special Committee, to whom was referred Senate Bill, No. 199, entitled An Act to create the County of Esmeralda—have had the same under consideration and report it back and recommend its passage.

EAGAN,  
For Committee.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Watkins made the following report:

MR. PRESIDENT:—Your Committee on Claims have had under consideration Assembly Bill, No. 42, An Act for the payment of expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento—and recommend its passage.

WATKINS,  
Chairman.

Report received, and with bill, placed on file.

Mr. Shafter made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills report that at twenty minutes past eleven o'clock, A. M. of March eighteenth, instant, he delivered to his Excellency the Governor, enrolled Senate Bill, No. 115, for his approval.

SHAFTER,  
For Committee.

Report accepted.

Mr. Pico made the following report:

MR. PRESIDENT:—The Delegation of Los Angeles, to whom Assembly Bill, No. 89, was referred, begs leave to report the following amendments thereto and recommend its passage as amended:

Strike out the title and insert "An Act to regulate the Fees of Office in the Counties of Los Angeles and Santa Barbara."

Amend the first two lines of section first so that the same shall read as follows:

"SECTION 1. Such fees are allowed to the officers hereinafter named within the counties of Los Angeles and Santa Barbara"—and so on to the end.

Amend section thirteen so as to read as follows :

"SEC. 13. The District Attorney of the county of Los Angeles shall be allowed for his services a salary of fifteen hundred dollars per annum, and the District Attorney of the county of Santa Barbara shall be allowed for his services a salary of nine hundred dollars per annum payable"—and so on to the end.

Amend section fourteen by adding the following proviso :

"*Provided*, however, that the Board of Supervisors of the county of Los Angeles shall have the power at any time that in their opinion the interests of the public may demand it to employ additional counsel to aid the District Attorney of the county; and to pay therefor any sum agreed upon not exceeding the sum of one thousand dollars per annum for such services."

Amend section forty by adding the following at the end of such section :

"Except so much thereof as relates to, and fixes, the yearly salaries of the District Attorneys of the said counties of Los Angeles and Santa Barbara, which portions of this act shall take effect on the first day of October, A. D. eighteen hundred and sixty-one, and not before."

A. PICO.

Report received, and with bill, placed on file.

Mr. Phelps made the following report :

MR. PRESIDENT:—The Special Committee, to whom was referred Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies and the management of affairs thereof, and other matters relating thereto—have had the same under consideration and report the bill back with the following amendments, and recommend the adoption of the amendments and the passage of the bill as amended :

SECTION 1. Line one, strike out the word "fifteen," and insert "ten." Line four, after the word "owning," insert the word "operating." Line five, strike out the words "fifty thousand dollars, or." At the end of line six insert the words "in cash."

SEC. 2. Line four, after the word "actual," insert "contemplated." Line six, after the word "be," insert "determined, or." Line fourteen, after the words "per cent," insert "in cash."

SEC. 3. Line three, after the word "have," insert "or may." Line seven, after the word "completion," insert "operation."

SEC. 4. Line four, after the word "meeting," insert "and at the first meeting of the Board after each annual election of Directors." Same line, strike out "Secretary," and insert "Treasurer," and at the end of line insert "shall also elect, either from the members of the Board, or from among the stockholders, a Secretary." Line five, strike out the word "Treasurer." Also, in lines five and six, strike out the words "as well as of the Board of Directors." Also, after the word "and," in the sixth line, strike out the word "to." Line sixteen, after the word "stock," insert "except the original subscription." And, after the word "company," same line, insert "or parties so subscribing." Line nine, strike out the words "which bond and surety shall be approved and accepted," and insert the words "to be approved." Add at the end of section the following: "In case the capital stock shall, at any time, be greater than is necessary for completing, operating, and maintaining, the road, then the capital stock may be reduced, by a two-third vote of the capital stock in interest, to the amount actually required."

SEC. 5. Strike out all after the word "county," in line ten, to, and

including the word "Directors," in line eighteen, and insert "Directors shall be elected, from time to time, as a majority of the whole stock determine, or as the by-laws shall designate." Line twenty-nine, strike out the word "three," and insert "majority." Strike out all after the word "election," in the twenty-ninth line, to, and including, the word "shall," in the thirty-first line.

SEC. 6. Line two, strike out the word "the," and insert "any number of." Line ten, after the word "majority," insert "in interest."

SEC. 7. Line two, after the word "company," insert "being."

SEC. 8. Line five, strike out all after the words "shall be a," to, and including, the words "and also a," in the sixth line. Line seven, strike out the words "in the same manner," and insert "from the Board." Line eight, after the word "designate," insert "who need not necessarily be stockholders."

SEC. 9. Line one, after "Directors," strike out the words "of such company, or." And in line two, after "incorporated," insert the words "or which may be incorporated hereafter." Line seven, strike out the word "the," before "Directors." Line seven, after the word "proper," insert "and alter the same, from time to time."

SEC. 10. At the end of the section, insert "no contract shall be binding upon the company unless made in writing."

SEC. 11. Line nine, strike out the word "stock," and insert the word "cash." Also, strike out the word "in," and insert "to the company." Also, after the word "respectively," insert "for their stock." Line twelve, after the word "Secretary," insert "there shall also be kept by the Secretary a transfer book, in which all transfers of stock shall be duly entered."

SEC. 12. Line two, strike out the word "and," and insert "on the books of the company." Strike out all after the word "in," in line five, to, and including, the word, "thereon," in line six.

SEC. 13. Line ten, after the word "month," insert "unless otherwise stipulated in the articles of subscription." Also, in line eighteen, strike out "and," and insert "or."

SEC. 14. Line nine, strike out "unanimous," and insert "a two-third." Also, before the word "approved," insert "as may be."

SEC. 15. Line eight, after the word "company," insert "and to convey the said property and franchises in trust, for the purpose of further securing the payment of said bonds and debts, with power to the Trustee, or Trustees, to manage and carry on the business of such company until said bonds and debts be paid." Line nine, after the word "company," insert "shall also provide, in such manner as to them may seem best, a sinking fund, to be specially applied to the redemption of such bonds, on, or before, their maturity, and." Also, in same line, after the word "may," insert "also."

SEC. 17. Line eighteen, strike out the word "cutting," and insert "making." Line twenty-four, after the word "street," insert "avenue." Line twenty-seven, strike out the word "or," and insert "avenue." Strike out subdivision sixth of section seventeenth. Line forty-four, after the word "company," insert "unless such articles of association are amended to conform thereto, and which said amendments shall require the consent of two-thirds of the stockholders in interest." Line fifty-eight, after the word "thereof," insert "or in payment of the debts of the company."

SEC. 18. Line one, strike out "tract," and insert "line." Also, line three, strike out the words "line thereof," and insert "same." Add to the end of section "except as provided in section seventeen, subdivision seven of this act."

SEC. 19. Line two, after the word "over," insert "or on a level with."

SEC. 20. Line seventeen, after the word "State," insert the word "except." Same line, strike out the word "except," and insert "where the same shall be taken only." Line twenty, strike out "than," and insert "that." Lines twenty-one and twenty-two, strike out the words "and shall not be located upon any state property within the limits of any city now incorporated."

SEC. 21. Line two, strike out "and through the consent of a majority," and insert "a two-third vote." Line twelve, after the word "hereafter," insert the words "to be." Line twelve, strike out the words "solely for street purposes, commonly so understood," and insert the words "or Sacramento."

SEC. 23. Line three, after the word "including," insert the word "main track." Line eight, strike out the words "and a right of making proper drains," and insert "for the purpose of proper drainage." Add to the end of the section the following: "It shall be the duty of the railroad company to make and maintain a good and sufficient fence on either, or both sides, of their property; and in case any company do not make and maintain such fence, if their engine, or cars, kill, maim, or destroy, any cattle, or other domestic animals, when they stray upon their line of road, where it passes through, or alongside, of the property of the owners thereof, they shall pay to the owner, or owners, of such cattle, or other domestic animals, a fair market price for the same, unless the owner, or owners, of the animal, or animals, so killed, maimed, or destroyed, shall be negligent, or at fault. In any case where the railroad company have heretofore, or may hereafter, pay to the owner, or owners, of the land through which, or along side of which, their road is, or may be, located, an agreed price for making and maintaining such fence, or whenever the cost of such fence has been, or may be, included in the award of damages allowed and paid for the right of way for such railroad, such company shall be entirely relieved and exonerated from all claims, or awards, of damages arising out of the killing, or maiming, any animals as aforesaid, in favor of all persons, or their successors and assigns, who shall thus fail to construct and maintain such fence; and the owner, or owners, of such animals shall become responsible to the railroad company for any damage, or loss, which may accrue to such company by reason of such animals being upon their railroad track, unless it can be proven that such loss, or damage, accrued by reason of the negligence of such company, its officers, agents, or employes."

SEC. 28. Line two, strike out the words "first day of January," and insert "thirty-first day of December." Line five, strike out "January," and insert "February." Line thirteen, after "repairs," insert "of."

SEC. 29. Strike out section twenty-nine.

SEC. 30. Line two, after the word "at," insert "such." Also, strike out the words "to be fixed," and insert "as they shall fix." Line eight, after the word "therefor," insert "either before, or after, the service is rendered, as the officer, or officers, of the company may require."

SEC. 32. Line one, after the word "train," insert "loaded." Strike out the word "or," after the word "baggage," and, also, after the word "freight."

SEC. 33. Line four, after the word "train," insert "or in violation of verbal instructions given by any officer of the train."

SEC. 34. Line one, after the words "refused to," insert the word "pre," so as to read "prepay." And after the words "or toll," insert "upon demand."

SEC. 36. Add to the end of the section the words "*provided, that in no case shall the company be required to receive less than fifty cents for any one lot of freight for any distance.*"

SEC. 38. Add to the end of section the words "it shall be unlawful for any person, or persons, engaged in mining, or other pursuits, to tunnel, draft, or, in any manner, excavate, under, or upon, any land belonging to any railroad company, without the consent of such company; and any person so offending, shall be liable to the fine and punishment hereinbefore mentioned, whether injury results to any person by reason thereof, or not."

SEC. 40. Strike out section forty and insert, in lieu thereof, the following: "It shall further be lawful for two, or more, railroad companies to amalgamate and consolidate their capital stock, debts, property, assets, and franchises, in such manner as may be agreed upon by the Boards of Directors of such companies so desiring to amalgamate and consolidate their interests; but no such amalgamation, or consolidation, shall take place without the written consent of three-fourths of the value of all stockholders in interest, and no such amalgamation, or consolidation, shall in any way, relieve such companies, or the stockholders thereof, from any, and all, just liabilities; and in case of such amalgamation, or consolidation, due notice of the same shall be given by advertising for one month in, at least, one newspaper in each county, if there shall be one published therein, into, or through, which such roads shall run, and also, for the same length of time, in one paper published in Sacramento, and in two papers published in San Francisco, and when the amalgamation and consolidation is completed, a copy of the new articles of association shall be filed in the office of the Secretary of State."

Add the three following sections in their order:

SEC. —. If the Directors of any such company shall declare and pay any dividend, when the company is insolvent, or any dividend, the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted, so long as they shall, respectively, remain in office; *provided*, that if any of the Directors shall be absent at the time of making the dividend, or shall object thereto, and shall, within thirty days thereafter, or after their return, if absent, file a certificate of their absence, or objection, with the Secretary of the company, and with the Clerk of the County, or District, Court, of the county in which the principal office of said company is located, they shall be exempt from the said liability.

SEC. —. If any certificate, or report, made, or public notice given, by the officers of such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders, or officers, thereof, and shall likewise be guilty of a misdemeanor, and shall be fined, in any sum not exceeding one thousand dollars, in any court having jurisdiction, and disqualified from holding any office of trust, or profit, in such company.

SEC. —. An Act entitled An Act to provide for the Incorporation of Railroad Companies, approved April twenty-second, eighteen hundred and fifty-three, and all acts supplementary to, or amendatory thereof, are hereby repealed; *provided*, however, that this section shall not take effect until the expiration of sixty days from the passage of this act, nor shall the same affect any rights, powers, franchises, or privileges, obtained, or

now enjoyed, by any person, or persons, or company, under any law of this State heretofore in force.

T. G. PHELPS,  
Chairman.

Report received, and with bill, made the special order for Friday, March twenty-second, eighteen hundred and sixty-one, at twelve o'clock, M.

Mr. Phelps presented the claim of the *Spirit of the Times* for advertising.

Referred to the Committee on Contingent Expenses.

#### SPECIAL ORDERS.

Senate Bill, No. 60, being the first special order—was taken up.

On motion of Mr. Phelps, made special order of the day for Wednesday, March twenty-seventh, eighteen hundred and sixty-one, at twelve o'clock, M.

Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six—being the next special order of the day, was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, and ordered to be engrossed, and read a third time.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 20th, 1861. }

MR. PRESIDENT:—The House passed Assembly Bill, No. 244, An Act to amend An Act to Fund the debt of the County of Sonoma, and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty;

Also, Senate Bill, No. 197, An Act to incorporate the Town of Grass Valley, with an amendment, in which the concurrence of the Senate is requested;

Also, Senate Bill, No. 125, An Act to convey certain Real Estate;

Also, Assembly Bill, No. 168, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 278, An Act authorizing the Board of Supervisors of the County of Napa to levy a Tax for general Road purposes, and to repeal certain Acts relative thereto;

Also, Assembly Bill, No. 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special Tax for building purposes and to levy an additional Tax for County purposes in said County;

Also, on the fourteenth instant, passed Assembly Bill, No. 230, An Act



to provide for the collection of Delinquent Taxes in the County of San Bernardino;

Also, on yesterday passed Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State—with amendments, and ask the concurrence of the Senate;

Also, Senate Bill, No. 56, An Act to grant the right to certain parties to supply the people of Red Bluff with Gas—with amendments;

Also, Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek in El Dorado County—with amendments;

Also, Senate Bill, No. 157, An Act to legalize the survey of the Town of Red Bluff;

Also, Senate Bill, No. 184, An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate;

Also, Assembly Bill, No. 171, An Act for the relief of Marin County;

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargeant, the Guardian of Policarpia Chabolla, a Minor, to sell at private sale the Lands and Real Estate of said Minor;

Also, Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain Bonds, and to provide for the construction of a Road herein named.

J. W. SCOBEEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 197, above reported—was considered, and Assembly amendments concurred in.

Assembly Bill, No. 244, above reported—was read first and second times, and referred to the Senator from Sonoma.

Assembly Bill, No. 173, above reported—was read first and second times, and referred to the Senators from Plumas and Butte.

Assembly Bill, No. 230, above reported—was read first and second times, and referred to the Senator from San Bernardino.

Senate Bill, No. 129, above reported—was laid on the table.

Senate Bill, No. 56, above reported—was considered, and Senate amendments concurred in.

Senate Bill, No. 70, above reported—was considered, and Assembly amendments concurred in.

Assembly Bill, No. 176, above reported—was read first and second times, and referred to the Senator from Marin County.

Assembly Bill, No. 130, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill read a third time, and passed.

Assembly Bill, No. 178, above reported—was read first and second times, and referred to the Senators from Tulare and San Luis Obispo.

Assembly Bill, No. 168, above reported—was read first and second times, and referred to the delegation from Placer.

Assembly Bill, No. 278, above reported—was read first and second times, and referred to the Senator from Napa.

Assembly Bill, No. 274, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Chase, by leave, made a verbal report recommending the passage of

Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada.

Report received, rules suspended, and bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Logan, by leave, introduced a bill for An Act to authorize the Board of Supervisors of Tehama County to remove Remains from the old Grave-Yard in Red Bluff to the new Cemetery and to levy a Tax to pay the costs of the same.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 20th, 1861. }

Mr. PRESIDENT:—The House on the eighteenth instant passed Assembly Bill, No. 199, An Act to fix the location of Brady Street in the City and County of San Francisco;

Also, this day, passed Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 199, above reported—read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 18, above reported—was made special order for Thursday, March twenty-first, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

On motion of Mr. Leet, Senate Bill, No. 49—was taken from the table and placed at the top of the file.

On motion of Mr. Sharp, Senate Bill, No. 42—was taken up, and placed on the top of the file.

On motion of Mr. Merritt, the Senate took a recess until five minutes before two o'clock, P. M.

IN SENATE.

At five minutes before two o'clock, P. M. the Senate reassembled.

President in the Chair.

Roll called.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 20th, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assem-

bly are now ready to meet the Senate in Joint Convention pursuant to adjournment.

J. W. SCOBEEY,  
Assistant Clerk.

On motion of Mr. ———, the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention.

#### IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Edgerton and Haynes.

Assembly roll called.

All present.

Journal of preceding convention read and approved.

Mr. Wood of Plumas withdrew the name of J. W. Denver as a candidate for United States Senator.

#### FOR U. S. SENATOR—NINETEENTH BALLOT.

The Secretary then called the roll for a nineteenth ballot, with the following result:

NAMES.	McDougal	Nugent....	Phelps....	Waller....	Hoge....	Bowie....
BurbanR .....			1			
Chase.....	1					
Clark .....	1					
Crittenden.....		1				
De la Guerra.....		1				
De Long.....					1	
Denver .....		1				
Dickinson .....		1				
Eagan .....		1				
Franklin .....				1		
Gallagher .....		1				
Harvey.....	1					
Heacock .....			1			
Hill.....	1					
Irwin.....	1					
Logan .....		1				
Merritt .....		1				
Parks .....				1		
Pico .....		1				
Rhodes .....			1			
Ryan.....	1					
Shafter .....			1			
Sharp .....	1					
Thomas.....	1					

NAMES.	McDougall	Nugent ...	Phelps ...	Weller ...	Hoge ....	Bowie ....
Thornton .....		1				
Warmcastle .....		1				
Watson.....		1				
Watt .....		1				
Williamson .....		1				
Adams.....	1					
Amyx .....				1		
Avery .....			1			
Baechtel.....				1		
Banks .....			1			
Blair.....			1			
Briggs .....			1			
Burnell .....	1					
Buell .....		1				
Campbell.....			1			
Chandler .....		1				
Cherry.....			1			
Childs.....		1				
Clark .....			1			
Coleman .....	1					
Coltrin.....	1					
Conness .....	1					
Councilman .....			1			
Covarrubias .....	1					
Crocker .....			1			
Curtis .....		1				
Denniston .....	1					
Dougherty.....	1					
Durst.....	1					
Eastman .....					1	
Fargo .....			1			
Flanders .....			1			
Ford .....			1			
Foster.....	1					
Gillette .....		1				
Gordon .....				1		
Green.....	1					
Gregory .....		1				
Hagans.....		1				
Hanson.....		1				
Harriman.....			1			
Harris .....		1				
Harrison .....		1				
Haun .....		1				
Henderson .....	1					
Hill .....	1					
Holman .....		1				
Horrell .....		1				

NAMES.	McDougall	Nugent ...	Phelps ....	Waller....	Hoge .....	Bowie ....
Hunter.....	1					
Johnson.....		1				
Kungle .....		1				
Kurtz.....		1				
Lalor.....		1				
Laspeyre .....		1				
Lippincott.....		1				
Magruder .....		1				
Montgomery .....				1		
Morgan .....			1			
Morrison .....		1				
Munday.....		1				
O'Brien.....		1				
Patrick.....		1				
Porter.....			1			
Powell .....	1					
Ross.....		1				
Scott.....		1				
Showalter .....		1				
Smith, of Tulare.....						1
Smith, of Placer.....	1					
Sorrel .....		1				
Spence .....			1			
Stearns .....	1					
Tilden.....	1					
Tilton .....			1			
Tittel .....			1			
Walden.....	1					
Walter.....	1					
White .....		1				
Willey .....			1			
Wood, of Plumas .....		1				
Wood of Yolo.....		1				
Wright .....	1					

Mr. Leet voted for Mr. Casserly.

Mr. Phelps voted for Mr. Burbank.

Mr. Vance voted for Mr. Parks.

Mr. Watkins voted for Mr. Inge.

Mr. Bradley voted for Mr. Creanor.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. McDougall received twenty-nine votes.

Mr. Nugent received forty-five votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received six votes.

Mr. Hoge received two votes.

Mr. Creanor received one vote.

Mr. Inge received one vote.

Mr. Cassegly received one vote.

Mr. Burbank received one vote.

Mr. Parks received one vote.

Mr. Bowie received one vote.

Messrs. Piercy and Miller declined voting.

There being no election, no one having received a majority of all the votes cast—

Mr. DeLong moved that the convention adjourn to Friday, March twenty-second, at two o'clock, P. M.

Lost.

FOR U. S. SENATOR—TWENTIETH BALLOT.

The Secretary called the roll for the twentieth ballot, with the following result :

NAMES.	McDougal	Nugent ...	Phelps ...	Weller ...	Hoge ...	Bowie ...
Burbank .....			1			
Chase .....	1					
Clark .....	1					
Crittenden .....		1				
De la Guerra .....		1				
Denver .....		1				
Dickinson .....		1				
Eagan .....		1				
Franklin .....				1		
Gallagher .....		1				
Harvey .....	1					
Heacock .....			1			
Hill .....	1					
Irwin .....	1					
Logan .....		1				
Merritt .....		1				
Parks .....				1		
Pico .....		1				
Rhodes .....			1			
Ryan .....	1					
Shafter .....			1			
Sharp .....	1					
Thomas .....	1					
Thornton .....		1				
Vance .....	1					
Warmcastle .....		1				
Watson .....		1				
Watt .....		1				
Williamson .....		1				
Adams .....	1					
Amyx .....				1		
Avery .....			1			

NAMES.	McDougall	Nugent ...	Phelps ...	Weller ....	Hoge .....	Bowie ....
Baechtel .....				1		
Banks .....			1			
Blair.....			1			
Briggs.....			1			
Burnell .....	1					
Buell .....		1				
Campbell.....			1			
Chandler .....		1				
Cherry .....			1			
Childs.....		1				
Clark.....			1			
Coleman .....	1					
Coltrin .....	1					
Conness.....	1					
Councilman.....			1			
Covarrubias .....	1					
Crocker .....			1			
Curtis.....		1				
Denniston .....	1		1			
Doughterty.....	1					
Durst ...	1					
Eastman .....					1	
Fargo .....			1			
Flanders .....			1			
Ford .....			1			
Foster .....	1					
Gillette .....		1				
Gordon.....				1		
Green .....	1					
Gregory.....		1				
Hagans .....		1				
Hanson .....		1				
Harriman .....			1			
Harris .....		1				
Harrison .....		1				
Haun .....		1				
Henderson.....	1					
Hill.....	1					
Holman .....		1				
Horrell .....		1				
Hunter .....	1					
Johnson .....		1				
Kungle .....		1				
Kurtz.....		1				
Lalor .....		1				
Laspeyre .....		1				
Magruder .....		1				
Montgomery.....				1		

NAMES.	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge ....	Bowie ....
Morgan .....			1			
Morrison .....		1				
Munday .....		1				
O'Brien .....		1				
Patrick .....		1				
Piercy .....				1		
Porter .....			1			
Powell .....	1					
Ross .....		1				
Scott .....		1				
Showalter .....		1				
Smith of Tulare .....						1
Smith of Placer .....	1					
Sorrel .....		1				
Spence .....			1			
Stearns .....	1					
Tilden .....	1					
Tilton .....			1			
Tittel .....			1			
Walden .....	1					
Walter .....	1					
White .....		1				
Willey .....			1			
Wood of Plumas .....		1				
Wood of Yolo .....		1				
Wright .....	1					

Mr. Leet voted for Mr. Casserly.

Mr. Phelps voted for Mr. Burbank.

Mr. Watkins voted for Mr. Harris.

Mr. Bradley voted for Mr. Creanor.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. McDougall received thirty votes.

Mr. Nugent received forty-four votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received seven votes.

Mr. Casserly received one vote.

Mr. Burbank received one vote.

Mr. Harris received one vote.

Mr. Creanor received one vote.

Mr. Hoge received one vote.

Mr. Bowie received one vote.

There being no election—no one having received a majority of all the votes cast—

Mr. Gallagher moved that the convention adjourn to Friday, March twenty-second, eighteen hundred and sixty-one, at two o'clock, P. M.



## FOR U. S. SENATOR—TWENTY-FIRST BALLOT.

The Secretary called the roll for the twenty-first ballot, with the following result :

NAMES.	McDougal	Nugent....	Phelps....	Weller....	Hoge.....	Bowie.....
Burbank.....			1			
Chase .....	1					
Clark .....	1					
Crittenden.....		1				
De la Guerra .....		1				
DeLong .....					1	
Denver.....		1				
Dickinson.....		1				
Eagan .....		1				
Franklin.....				1		
Gallagher.....		1				
Harvey .....	1					
Heacock .....			1			
Hill.....	1					
Irwin .....	1					
Logan.....		1				
Merritt.....		1				
Parks .....				1		
Pico .....		1				
Rhodes .....			1			
Ryan .....	1					
Shafter .....			1			
Sharp .....	1					
Thomas.....	1					
Thornton .....		1				
Vance.....	1					
Warmcastle.....		1				
Watkins.....		1				
Watt.....		1				
Williamson.....		1				
Adams.....	1					
Amyx .....				1		
Avery .....			1			
Baechtel.....				1		
Banks .....			1			
Bradley .....		1				
Briggs.....			1			
Burnell.....	1					
Buell.....		1				
Campbell .....			1			
Chandler.....		1				
Cherry .....			1			
Childs .....		1				
Clarke .....			1			
Coleman.....	1					

## NAMES.

	McDougall	Nugent....	Phelps....	Weller....	Hoge.....	Bowie....
Coltrin .....	1					
Conness .....	1					
Councilman.....			1			
Covarrubias .....	1					
Crocker.....			1			
Curtis.....		1				
Denniston .....	1					
Dougherty .....	1					
Durst.....	1					
Eastman.....					1	
Fargo .....			1			
Flanders .....			1			
Ford .....			1			
Foster.....	1					
Gillette.....		1				
Gordon .....				1		
Green .....	1					
Gregory .....		1				
Hagans .....		1				
Hanson .....		1				
Harriman.....			1			
Harris.....		1				
Harrison.....		1				
Haun.....		1				
Henderson .....	1					
Hill .....	1					
Holman .....		1				
Horrell.....		1				
Hunter.....	1					
Johnson .....		1				
Kungle .....		1				
Kurtz .....		1				
Lalor.....		1				
Laspeyre .....		1				
Magruder .....		1				
Montgomery .....				1		
Morgan.....			1			
Munday .....		1				
O'Brien.....		1				
Patrick.....		1				
Piercy .....				1		
Porter.....			1			
Powell.....	1					
Ross.....		1				
Scott.....		1				
Showalter.....		1				
Smith of Tulare.....						1
Smith of Placer.....	1					

NAMES.	McDougall	Nugent ...	Phelps ....	Waller ....	Hoge .....	Bowie ....
Sorrel .....		1				
Spence .....			1			
Stearns .....	1					
Tilden .....	1					
Tilton .....		1				
Tittel .....		1				
Walden .....	1					
Walter .....	1					
White .....		1				
Willey .....			1			
Wood of Plumas .....		1				
Wood of Yolo .....		1				
Wright .....	1					

Mr. Leet voted for Mr. Casserly.

Mr. Phelps voted for Mr. Burbank.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. McDougall received thirty votes.

Mr. Nugent received forty-four votes.

Mr. Phelps received twenty-two votes.

Mr. Weller received seven votes.

Mr. Hoge received two votes.

Mr. Burbank received one vote.

Mr. Bowie received one vote.

Mr. Casserly received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Kungle moved that the convention adjourn *sine die*.

Upon which, the ayes and noes were demanded, by Messrs. Kungle, Laspeyre, and Wood of Plumas, of the Assembly, and taken with the following result: Ayes, 29—noes, 74:

**AYES**—Messrs. Burbank, Crittenden, Franklin, Leet, Merritt, Parks, Pico, Shafter, Thornton, Warmcastle, Amyx, Bradley, Clarke, Councilman, Crocker, Flanders, Gordon, Haun, Holman, Kungle, Laspeyre, Magruder, Montgomery, Morgan, Porter, Scott, Showalter, Sorrel, and Willey—29.

**NOES**—Messrs. Chase, Clark, De la Guerra, DeLong, Denver, Eagan, Gallagher, Harvey, Hill, Irwin, Logan, Rhodes, Ryan, Sharp, Thomas, Vance, Watkins, Watson, Watt, Williamson, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gillette, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Johnson, Kurtz, Lalor, Lippincott, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Smith of Tulare, Smith

of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, and Wright—74.

So the motion was lost.

Mr. Chandler moved that the convention adjourn to Friday, March twenty-second, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs. Magruder and Fargo of the Assembly, and Mr. Irwin of the Senate, and taken with the following result: Ayes, 36—noes, 75:

**AYES**—Messrs. Crittenden, De la Guerra, De Long, Denver, Dickinson, Eagan, Frank'lin, Gallagher, Irwin, Logan, Merritt, Pico, Warmcastle, Watkins, Watson, Watt, Williamson, Buell, Chandler, Childs, Crocker, Eastman, Gillette, Hanson, Harrison, Holman, Johnson, Kunglo, Kurtz, Lalor, Laspoyre, Magruder, Morrison, O'Brien, Ross, and Scott—36.

**NOES**—Messrs. Burbank, Chase, Clark, Harvey, Heacock, Hill, Leet, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Burnell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Gordon, Green, Gregory, Hagans, Harriman, Harris, Haun, Henderson, Hill, Horrell, Hunter, Montgomery, Morgan, Munday, Patrick, Piercy, Porter, Powell, Showalter, Smith of Tulare, Smith of Placer, Sorrell, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—75.

So the motion was lost.

**FOR U. S. SENATOR—TWENTY-SECOND BALLOT.**

The Secretary called the roll for the twenty-second ballot, with the following result:

NAMES.	McDougall	Nugent ...	Phelps....	Weller ....	Hoge .....	Bowie ....
Burbank .....	1					
Chase.....	1					
Clark .....	1					
Crittenden. ....		1				
De la Guerra.....		1				
DeLong .....	1					
Denver.....		1				
Dickinson .....		1				
Eagan.....		1				
Franklin .....				1		
Gallagher.....		1				
Harvey .....	1					
Heacock .....	1					
Hill .....	1					
Irwin .....	1					
Logan.....		1				
Merritt .....		1				
Parks .....				1		
Phelps.....	1					

NAMES.	McDougall	Nugent ...	Phelps ...	Weller ...	Hoge ....	Bowie ....
Pico.....		1				
Rhodes .....	1					
Ryan.....	1					
Shafter .....	1					
Sharp.....	1					
Thomas .....	1					
Thornton .....		1				
Vance .....	1					
Warmcastle .....		1				
Watson .....		1				
Watt.....		1				
Williamson .....		1				
Adams.....	1					
Amyx .....				1		
Avery .....	1					
Baechtel .....				1		
Banks.....	1					
Blair .....	1					
Bradley .....		1				
Briggs .....	1					
Burnell .....	1					
Buell.....		1				
Campbell .....	1					
Chandler .....		1				
Cherry.....	1					
Childs .....		1				
Clark .....	1					
Coleman .....	1					
Coltrin.....	1					
Conness .....	1					
Councilman .....	1					
Crocker .....			1			
Curtis .....		1				
Denniston .....	1					
Dougherty.....	1					
Durst.....	1					
Eastman .....	1					
Fargo .....	1					
Flanders .....	1					
Ford.....	1					
Foster.....	1					
Gillette .....		1				
Gordon .....				1		
Green .....	1					
Gregory .....		1				
Hagans.....		1				
Hanson .....		1				
Harriman .....	1					

NAMES.	McDougall	Nugent ...	Phelps ....	Weller ....	Hoge .....	Bowie ....
Harris.....		1				
Harrison .....		1				
Haun .....		1				
Henderson .....	1					
Hill .....	1					
Holman .....		1				
Horrell .....		1				
Hunter .....	1					
Johnson.....		1				
Kungle .....		1				
Kurtz.....		1				
Lalor.....		1				
Laspeyre.....		1				
Lippincott .....		1				
Magruder .....		1				
Miller.....		1				
Montgomery .....				1		
Morgan .....	1					
Morrison .....		1				
Munday.....		1				
O'Brien .....		1				
Patrick .....		1				
Piercy .....	1					
Porter.....	1					
Powell.....	1					
Ross .....		1				
Scott .....		1				
Showalter .....		1				
Smith of Tulare .....	1					
Smith of Placer ...	1					
Sorrel.....		1				
Spence ....	1					
Stearns .....	1					
Tilden.....	1					
Tilton .....	1					
Tittel .....	1					
Walden .....	1					
Walter.....	1					
White .....		1				
Willey .....	1					
Wood of Plumas .....		1				
Wood of Yolo.....		1				
Wright.....	1					

Mr. Leet voted for Mr. Casserly.

Mr. Watkins voted for Major Anderson.

Mr. Covarrubias voted for Mr. Creanor.

Mr. Crocker voted for Mr. Phelps.

Whole number of votes cast, one hundred and thirteen.

Necessary to a choice, fifty-seven.

Mr. McDougall received fifty-six votes.

Mr. Nugent received forty-seven votes.

Mr. Weller received six votes.

Mr. Phelps received one vote.

Mr. Creanor received one vote.

Mr. Casserly received one vote.

Major Anderson received one vote.

The President of the convention announced the following to be the result:

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. McDougall received fifty-six votes.

Mr. Nugent received forty-seven votes.

Mr. Weller received six votes.

Mr. received one vote.

Mr. Creanor received one vote.

[Omitting the votes cast for Mr. Casserly and Major Anderson.]

Also, declared that Mr. James A. McDougall having received a majority of all the votes cast, was duly elected United States Senator, to fill the vacancy which has occurred by the expiration of the term of the Hon. Wm. M. Gwin.

After much confusion, the President further announced that the business for which the convention had assembled having been accomplished, he declared the convention adjourned *sine die*.

Whereupon the Senate returned to their chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Irwin, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,

Thursday, March 21st, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday was read, and the motion being upon their adoption—

Mr. Watson moved to amend so that the journal of the Joint Convention would show that the announcement made by the President that James A. McDougall was duly elected United States Senator was not correct, that McDougall was not elected.

Mr. Thomas arose to a point of order—That the motion to amend was

out of order, this Senate having no right to amend, or otherwise act on the journal of the Joint Convention; that the journal of the Joint Convention had no right in the Senate journal.

The Chair ruled the point of order not well taken.

Mr. Thomas appealed.

#### MESSAGE FROM THE ASSEMBLY.

Pending the discussion on the appeal, the following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 21st, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly is ready to meet the Senate in Joint Convention for the purpose of electing a Resident, and Visiting, Physician, and two Trustees, for the Insane Asylum to fill the vacancy which will shortly occur by reason of the expiration of the term of the present incumbents.

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Phelps, the Senate took a recess for five minutes.

#### IN SENATE.

At twelve o'clock, M. the Senate reassembled and was called to order. President *pro tem.* in the Chair.

Roll called.

Quorum present.

On motion of Mr. Burbank, the Senate proceeded to the Assembly Chamber pursuant to the above message.

#### IN JOINT CONVENTION.

In accordance with a Concurrent Resolution adopted by both branches of the Legislature the Senate and Assembly met in Joint Convention this twenty-first day of March, eighteen hundred and sixty-one, at two o'clock, P. M. for the purpose of electing a Resident, and Visiting, Physician, and two Trustees, for the State Insane Asylum, at Stockton.

Hon. R. Irwin, President *pro tem.* of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. Edgerton.

House roll called.

Absent—Mr. Wright.

The Clerk of the House by direction of the President read a Concurrent Resolution by authority of which the Convention met.

On motion of Mr. Parks, the rules of the Senate were adopted, with the exception of Rules Twenty-Seven and Twenty-Nine.

On motion of Mr. Shafter, the Twenty-Ninth Rule above excepted, was adopted.

On motion of Mr. Amyx, two Tellers were appointed.

The President appointed Mr. Rhodes of the Senate and Mr. Henderson of the House, as such Tellers.

The President then announced nominations for Resident Physician to be in order, whereupon—

Mr. De Long nominated Dr. W. T. Tilden.

Mr. Morrison nominated Dr. W. D. Aylette.

Mr. Magruder nominated Dr. S. T. Thomas.

Mr. Parks nominated Dr. R. P. Ellis.

Mr. Blair nominated Dr. A. J. Spencer.



## RESIDENT PHYSICIAN—FIRST BALLOT

There being no further nominations the Secretary by direction of the President called the roll for the first ballot, with the following result:

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Burbank .....					1
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
De Long .....		1			
Denver .....				1	
Dickinson .....	1				
Eagan .....	1				
Franklin .....	1				
Gallagher .....				1	
Harvey .....		1			
Haynes .....				1	
Irwin .....		1			
Leet .....			1		
Logan .....				1	
Merritt .....	1				
Phelps .....					1
Pico .....	1				
Rhodes .....					1
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas .....			1		
Thornton .....	1				
Vance .....	1				
Warmcastle .....	1				
Watkins .....	1				
Watson .....		1			
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx .....	1				
Avery .....					1
Baechtel .....			1		
Banks .....					1
Blair .....					1
Bradley .....	1				
Briggs .....					1
Burnell .....		1			
Buell .....				1	
Campbell .....					1
Chandler .....	1				
Cherry .....					1
Childs .....				1	

## NAMES.

	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Clark .....					1
Coleman ..				1	
Coltrin .....		1			
Conness .....		1			
Councilman .....					1
Crocker .....					1
Curtis .....	1				
Dougherty .....		1			
Durst .....		1			
Eastman .....		1			
Fargo .....					1
Flanders .....					1
Ford .....					1
Foster .....			1		
Gillette .....	1				
Gordon ..	1				
Green .....		1			
Gregory .....	1				
Hagans ..	1				
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....				1	
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspeyre .....	1				
Lippincott .....		1			
Magruder ..			1		
Miller .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....				1	
Porter .....					1
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith of Tulare .....				1	

NAMES.	Ayette...	Tilden...	Thomas...	Ellis.....	Spencer...
Smith of Placer .....			1		
Sorrel .....	1				
Spence .....					1
Stearns.....		1			
Tilden .....				1	
Tilton .....					1
Tittel.....					1
Walden .....				1	
White.....				1	
Willey .....					1
Wood of Plumas .....			1		
Wood of Yolo .....	1				

Whole number of votes cast, one hundred and four.  
Necessary to a choice, fifty-three.

Mr. Tilden received twenty-three votes.

Mr. Ayette received thirty-five votes.

Mr. Thomas received eleven votes.

Mr. Ellis received thirteen votes.

Mr. Spencer received twenty-two votes.

After the above roll was called for the first ballot, and before the result was announced by the President, Mr. Gallagher, not being within the bar of the House when his name was called, asked that his name should be again called, that he might vote.

The President decided that, according to rule twenty-nine, just adopted, he had no right to vote, not being within the bar of the House when his name was first called.

Mr. Gallagher appealed.

The question being, shall the decision of the chair stand as the judgment of the Convention, the roll was called with the following result:

**AYES**—Messrs. Burbank, Chase, Clark, Dickinson, Eagan, Haynes, Heacock, Parks, Phelps, Rhodes, Shafter, Sharp, Thornton, Vance, Warmcastle, Williamson, Adams, Avery, Banks, Burnell, Buell, Coleman, Coltrin, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Gordon, Henderson, Hill, Laspeyre, Montgomery, Morgan, Piercy, Porter, Powell, Spence, Stearns, Tilton, Tittel, Walter, Willey, and Wood of Plumas,—45.

**NOES**—Messrs. Crittenden, DeLong, Denver, Franklin, Gallagher, Harvey, Logan, Merritt, Pico, Ryan, Thomas, Watson, Watt, Amyx, Baechtel, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Childs, Clarke, Conness, Councilman, Curtis, Ford, Foster, Gillette, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Holman, Horrell, Hunter, Johnson, Kungle, Lalor, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Walden, White, and Wood of Yolo—58.

So the decision of the chair was not sustained, and the Secretary called the name of Mr. Gallagher, that he might vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—SECOND BALLOT.

The Secretary called the roll for the second ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....		1			
Chase ...		1			
Clark .....		1			
Crittenden .....	1				
Denver .....			1		
Dickinson .....	1				
Eagan .....	1				
Franklin .....	1				
Gallagher .....				1	
Harvey .....		1			
Haynes .....				1	
Irwin .....		1			
Leet .....			1		
Logan .....				1	
Merritt .....	1				
Phelps ....					1
Pico .....	1				
Rhodes .....			1		
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas .....			1		
Thornton .....	1				
Vance .....	1				
Warmcastle .....	1				
Watson .....		1			
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx.....	1				
Avery .....					1
Baechtel .....			1		
Banks .....					1
Blair .....					1
Bradley .....	1				
Briggs .....					1
Burnell .....		1			
Buell .....				1	
Campbell .....					1
Chandler .....	1				
Cherry .....					1
Childs .....				1	

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Clark .....					1
Coleman .....				1	
Coltrin .....		1			
Conness .....		1			
Councilman .....					1
Crocker .....				1	
Curtis .....	1				
Dougherty .....		1			
Durst .....		1			
Eastman .....		1			
Fargo .....					1
Flanders .....					1
Ford .....					1
Foster .....			1		
Gillette .....	1				
Gordon .....	1				
Green .....		1			
Gregory .....	1				
Hagans .....	1				
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspeyres .....	1				
Lippincott .....		1			
Magruder .....			1		
Miller .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....				1	
Porter .....					1
Powell .....		1			
Scott .....	1				
Smith, of Tulare .....				1	
Smith, of Placer .....			1		

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Sorrel .....	1				
Spence .....				1	
Stearns .....		1			
Tilton .....					1
Tittel .....		1			
Walden .....				1	
Walter .....		1			
White .....				1	
Willey .....					1
Wood, of Plumas .....			1		
Wood of Yolo .....	1				

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Tilden received twenty-five votes.

Mr. Ayette received thirty-four votes.

Mr. Thomas received thirteen votes.

Mr. Ellis received twelve votes.

Mr. Spencer received seventeen votes.

There being no election, no one having received a majority of all the votes cast—

#### FOR RESIDENT PHYSICIAN—THIRD BALLOT.

The Secretary called the roll for the third ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....		1			
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
DeLong .....		1			
Denver.....				1	
Dickinson .....			1		
Eagan .....	1				
Franklin.....	1				
Gallagher .....				1	
Harvey .....		1			
Haynes .....				1	
Irwin .....		1			
Leet .....			1		

NAMES.	Ayette ...	Tilden ....	Thomas...	Kills .....	Spencer...
Logan .....				1	
Merritt .....	1				
Phelps.....				1	
Pico .....	1				
Rhodes.....			1		
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas.....			1		
Thornton.....	1				
Vance.....	1				
Warmcastle.....	1				
Watson .....		1			
Watt .....	1				
Williamson.....	1				
Adams .....		1			
Amyx.....	1				
Avery .....					1
Baechtel .....			1		
Banks .....					1
Bradley .....	1				
Briggs.....					1
Burnell .....		1			
Buell .....				1	
Campbell.....					1
Chandler .....	1				
Cherry .....			1		
Childs.....				1	
Clark.....					1
Coleman .....				1	
Coltrin .....		1			
Conness.....		1			
Councilman.....		1			
Crocker .....				1	
Curtis.....	1				
Doughterty.....		1			
Durst ...		1			
Eastman .....		1			
Fargo .....					1
Flanders .....			1		
Ford .....					1
Foster .....			1		
Gillette .....	1				
Gordon.....	1				
Green .....		1			
Gregory.....	1				
Hagans .....	1				
Hanson .....	1				

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Harris .....	1				
Harrison .....			1		
Henderson.....		1			
Hill.....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspeyre .....	1				
Magruder .....			1		
Milner .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....				1	
Porter .....			1		
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith of Tulare .....				1	
Smith of Placer.....			1		
Sorrel .....	1				
Spence .....		1			
Stearns .....		1			
Tilden .....				1	
Tilton .....					1
Walden....				1	
Walter .....		1			
White .....				1	
Willey .....			1		
Wood of Plumas .....			1		
Wood of Yolo..	1				

Whole number of votes cast, ninety-nine.

Necessary to a choice, fifty.

Mr. Tilden received twenty-six votes.

Mr. Ayette received thirty-three votes.

Mr. Thomas received sixteen votes.

Mr. Ellis received fourteen votes.

Mr. Spencer received ten votes.

There being no election—no one having received a majority of all the votes cast—



## FOR RESIDENT PHYSICIAN—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....	Spencer...
Burbank.....	1	1			
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
DeLong .....		1			
Denver.....				1	
Dickinson.....			1		
Eagan .....	1				
Franklin.....	1				
Gallagher.....	1				
Harvey .....		1			
Haynes.....				1	
Irwin .....		1			
Leet .....			1		
Logan .....				1	
Merritt.....	1				
Phelps.....		1			
Rhodes.....			1		
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas.....			1		
Thornton .....	1				
Vance.....	1				
Warmcastle.....	1				
Watson .....		1			
Watt.....	1				
Williamson.....	1				
Adams.....		1			
Amyx .....	1				
Avery .....					1
Baechtel.....			1		
Banks .....					1
Blair.....		1			
Bradley .....	1				
Briggs.....			1		
Burnell.....		1			
Buell.....				1	
Campbell .....		1			
Chandler.....			1		
Cherry .....			1		
Clarke .....			1		
Coleman.....				1	
Coltrin .....		1			
Conness .....		1			

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Councilman.....		1			
Curtis.....	1				
Dougherty.....		1			
Durst.....		1			
Eastman.....		1			
Fargo.....		1			
Flanders.....			1		
Foster.....			1		
Gillette.....	1				
Gordon.....	1				
Green.....		1			
Gregory.....	1				
Hagans.....			1		
Hanson.....	1				
Harriman.....			1		
Harris.....	1				
Harrison.....			1		
Haun.....	1				
Henderson.....		1			
Hill.....		1			
Holman.....	1				
Horrell.....				1	
Hunter.....		1			
Johnson.....	1				
Kungle.....	1				
Lalor.....	1				
Laspeyre.....	1				
Lippincott.....		1			
Magruder.....			1		
Miller.....			1		
Montgomery.....	1				
Morgan.....					1
Morrison.....	1				
Munday.....			1		
O'Brien.....		1			
Piercy.....				1	
Porter.....			1		
Powell.....		1			
Scott.....	1				
Showalter.....	1				
Smith of Tulare.....				1	
Smith of Placer.....			1		
Sorrel.....	1				
Spence.....			1		
Stearns.....		1			
Tilden.....				1	
Tilton.....					1
Walden.....				1	

NAMES.	Aylette...	Tilden...	Thomas...	Ellis....	Spencer...
Walter .....	.....	1	.....	.....	.....
White .....	.....	.....	.....	1	.....
Willey.....	.....	.....	1	.....	.....
Wood of Plumas.....	.....	.....	1	.....	.....
Wood of Yolo.....	1	.....	.....	.....	.....

Whole number of votes cast, ninety-eight.

Necessary to a choice, forty-five.

Mr. Tilden received thirty votes.

Mr. Aylette received thirty votes.

Mr. Thomas received twenty-two votes.

Mr. Ellis received eleven votes.

Mr. Spencer received five votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Gregory moved that the convention adjourn until Friday, the twenty-second March, eighteen hundred and sixty-one, at two o'clock, P. M.  
Lost.

#### FOR RESIDENT PHYSICIAN—FIFTH BALLOT.

The Secretary called the roll for the fifth ballot, with the following result:

NAMES.	Aylette....	Tilden....	Thomas...	Ellis....	Spencer...
Burbank .....	.....	1	.....	.....	.....
Chase.....	.....	1	.....	.....	.....
Clark .....	.....	1	.....	.....	.....
Crittenden. ....	1	.....	.....	.....	.....
DeLong .....	.....	1	.....	.....	.....
Denver .....	.....	.....	.....	1	.....
Dickinson .....	.....	.....	1	.....	.....
Eagan.....	1	.....	.....	.....	.....
Franklin .....	1	.....	.....	.....	.....
Gallagher.....	1	.....	.....	.....	.....
Harvey .....	.....	1	.....	.....	.....
Haynes .....	.....	.....	.....	1	.....
Heacock .....	.....	1	.....	.....	.....
Irwin .....	.....	1	.....	.....	.....
Leet.....	.....	.....	1	.....	.....
Logan.....	.....	.....	.....	1	.....
Merritt .....	1	.....	.....	.....	.....
Phelps.....	.....	1	.....	.....	.....
Rhodes .....	.....	.....	1	.....	.....

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....	Spencer...
Ryan.....		1			
Sharp.....		1			
Thomas .....	1				
Thornton .....	1				
Vance .....	1				
Warmcastle .....		1			
Watson .....		1			
Watt.....	1				
Williamson .....	1				
Adams.....		1			
Amyx.....	1				
Avery .....					1
Baechtel .....			1		
Banks .....					1
Blair.....					1
Bradley .....	1				
Briggs.....			1		
Burnell .....		1			
Buell.....			1		
Campbell .....		1			
Chandler .....			1		
Cherry.....			1		
Childs .....				1	
Clark .....			1		
Coleman .....			1		
Coltrin.....		1			
Conness .....		1			
Councilman .....		1			
Crocker .....				1	
Curtis .....	1				
Dougherty.....		1			
Durst.....		1			
Eastman .....		1			
Flanders .....			1		
Ford.....		1			
Foster.....			1		
Gillette .....	1				
Gordon .....	1				
Green .....		1			
Gregory .....	1				
Hagans.....				1	
Hanson .....	1				
Harriman .....			1		
Harris.....	1				
Harrison .....			1		
Haun .....			1		
Henderson .....		1			
Hill.....		1			

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....	Spencer...
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson.....	1				
Kungle .....	1				
Lalor.....	1				
Laspeyre.....	1				
Lippincott.....		1			
Magruder .....			1		
Miller.....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday.....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....				1	
Porter.....			1		
Powell.....		1			
Scott .....	1				
Showalter.....	1				
Smith of Tulare .....				1	
Smith of Placer ...			1		
Sorrel.....	1				
Spence ....			1		
Stearns.....		1			
Tilden.....				1	
Tilton .....					1
Walden .....				1	
Walter.....				1	
White .....				1	
Willey ..			1		
Wood of Plumas .....			1		
Wood of Yolo.....	1				

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-two.

Mr. Tilden received twenty-nine votes.

Mr. Ayette received thirty-one.

Mr. Thomas received twenty-three votes.

Mr. Ellis received thirteen votes.

Mr. Spencer received five votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Morrison moved that the convention adjourn until to-morrow at two o'clock, P. M.

Mr. Burbank moved to amend—'To adjourn to seven o'clock this evening.  
Lost.

Question recurring on Mr. Morrison's motion, was put and lost.

FOR RESIDENT PHYSICIAN—SIXTH BALLOT.

The Secretary then called the roll for the sixth ballot, with the following result :

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....		1			
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
De Long .....		1			
Denver .....				1	
Dickinson .....			1		
Eagan .....	1				
Franklin .....	1				
Gallagher .....	1				
Harvey .....		1			
Haynes .....				1	
Heacock .....		1			
Irwin .....		1			
Leet .....			1		
Logan .....				1	
Merritt .....	1				
Phelps .....		1			
Rhodes .....			1		
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas .....			1		
Thornton .....	1				
Vance .....	1				
Warmcastle .....	1				
Watson .....	1				
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx .....	1				
Avery .....					1
Baechtel .....			1		
Banks .....					1
Blair .....		1			
Bradley .....	1				
Briggs .....			1		
Burnell .....		1			
Buell .....				1	
Campbell .....		1			
Chandler .....			1		
Cherry .....			1		

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....	Spencer ...
Childs.....				1	
Clark .....			1		
Coleman ..				1	
Coltrin .....		1			
Conness .....		1			
Councilman .....		1			
Crocker.....				1	
Curtis .....	1				
Dougherty .....		1			
Durst .....		1			
Eastman .....		1			
Fargo .....		1			
Flanders .....			1		
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Gordon ..	1				
Green .....		1			
Gregory .....	1				
Hagans ..				1	
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter.....		1			
Johnson .....	1				
Kungle ..	1				
Lalor .....	1				
Laspeyre .....	1				
Lippincott ..		1			
Magruder ..			1		
Miller .....			1		
Montgomery.....	1				
Morgan .....					1
Morrison .....	1				
Munday.....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....				1	
Porter.....			1		
Powell ....		1			
Scott .....	1				
Showalter.....	1				

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Smith of Tulare .....				1	
Smith of Placer .....			1		
Sorrel .....	1				
Spence .....			1		
Stearns .....		1			
Tilden .....				1	
Tilton .....					1
Walden .....				1	
Walter .....		1			
White .....				1	
Willey .....		1			
Wood of Plumas .....			1		
Wood of Yolo .....	1				

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Tilden received thirty-two votes.

Mr. Ayette received thirty-three votes.

Mr. Thomas received twenty votes.

Mr. Ellis received thirteen votes.

Mr. Spencer received five votes.

There being no election—no one having received a majority of all the votes cast—

On motion of Mr. Smith of Tulare, the convention adjourned to meet on Friday, March twenty-second, eighteen hundred and sixty-one, at two o'clock, P. M.

Whereupon the Senate returned to their chamber.

#### IN SENATE.

President *pro tem* in the chair.

Roll called.

Quorum present.

On motion of Mr. Chase, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: D. J. WILLIAMSON, Assistant Secretary.

#### IN SENATE.

SENATE CHAMBER,  
Friday, March 22d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.



Roll called.

Quorum present.

Journal of yesterday read and approved.

The first business before the Senate being the appeal of Mr. Thomas, which was pending when the Senate went into Joint Convention on yesterday, and the question being, Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. Gallagher, Merritt, and Leet.

Mr. Shafter was discussing the appeal, when Mr. Chase arose to a point of order—That the Senator (Mr. Shafter,) was discussing the motion of Mr. Watson to amend, and that the question before the Senate was the appeal of Mr. Thomas, therefore he was out of order.

The Chair ruled the point of order well taken.

Mr. Shafter appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, was put.

Lost.

So the Senate refused to sustain the decision of the Chair.

The question recurring on the appeal of Mr. Thomas, the ayes and noes were taken with the following result: Ayes, 16—noes, 12:

**AYES**—Messrs. Chase, Crittenden, De la Guerra, Denver, Eagan, Franklin, Gallagher, Logan, Merritt, Pico, Thornton, Warmcastle, Watkins, Watson, Watt, and Williamson—16.

**NOES**—Messrs. Burbank, Clark, De Long, Harvey, Haynes, Heacock, Rhodes, Ryan, Shafter, Sharp, Thomas, and Vance—12.

So the decision of the Chair was sustained and stands as the judgment of the Senate.

The question then recurring on the motion of Mr. Watson to amend.

Mr. De Long arose to a point of order—That this Senate could not amend the Journal of the Joint Convention.

The Chair ruled the point of order not well taken.

Mr. De Long appealed from the decision of the Chair.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Thomas, and Gallagher.

Mr. Phelps in the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, the roll was called with the following result: Ayes, 15—noes, 16:

**AYES**—Messrs. Chase, Crittenden, Denver, Eagan, Franklin, Gallagher, Irwin, Logan, Merritt, Pico, Thornton, Watkins, Watson, Watt, and Williamson—15.

**NOES**—Messrs. Burbank, Clark, De Long, Dickinson, Harvey, Heacock, Leet, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, and Warmcastle—16.

So the decision of the Chair was not sustained.

The journal of Wednesday's proceedings was then adopted as read.

President in the Chair.

On motion of Mr. Merritt, the rules were suspended, and the following message from the Assembly was taken up:

ASSEMBLY CHAMBER,  
March 22d, 1861. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly this day passed a Concurrent Resolution, Relative to the Joint Convention held March twentieth, eighteen hundred and sixty-one, and the proceedings had therein in relation to the election of a United States Senator.

J. M. ANDERSON,  
Clerk of Assembly.

The above resolution, above reported, was read.

Mr. Merritt offered the following amendment:

*Resolved*, further, That the Governor and Secretary of State be requested to withhold the credentials to James A. McDougall, until it shall be ascertained that he has received a majority of the votes cast for United States Senator in Joint Convention on Wednesday, March twentieth, eighteen hundred and sixty-one."

Mr. Clark offered the following as a substitute for the whole subject matter:

*Resolved*, By the Senate, the Assembly concurring, that the Senate and Assembly on the twenty-third instant, at the hour of twelve o'clock, M. meet in the Assembly Chamber to consider and determine whether a United States Senator has been duly elected, and if it shall be determined that no United States Senator has been elected, to proceed with the business of the Convention to the election of a Senator of the United States to succeed the Hon. Wm. M. Gwin."

Pending the discussion on the adoption of the substitute—

On motion of Mr. Phelps, the Senate took a recess for five minutes to prepare for going into Joint Convention.

#### IN SENATE.

At two o'clock, P. M. the Senate reassembled and were called to order. President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Irwin, the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention pursuant to adjournment.

#### IN JOINT CONVENTION.

The Joint Convention met pursuant to adjournment.

Hon. Pablo De la Guerra, President of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Hill and Edgerton.

House roll called.

Absent—Mr. Wright.

Journal of yesterday's proceedings read and approved.

Mr. Parks withdrew the name of Dr. Ellis as a candidate for Resident Physician of the Insane Asylum at Stockton.

#### RESIDENT PHYSICIAN—SEVENTH BALLOT.

The Secretary under the direction of the President then called the roll for the seventh ballot for a Resident Physician for the State Insane Asylum, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....	...	1	...	...	...
Chase... ..	...	1	...	...	...
Clark .....	...	1	...	...	...
Crittenden .....	1	...	...	...	...
De la Guerra .....	1	...	...	...	...
De Long .....	...	1	...	...	...
Denver .....	...	...	1	...	...
Dickinson .....	...	...	1	...	...
Eagan .....	1	...	...	...	...
Franklin .....	1	...	...	...	...
Gallagher .....	1	...	...	...	...
Harvey .....	...	1	...	...	...
Haynes .....	...	1	...	...	...
Irwin .....	...	1	...	...	...
Leet .....	...	...	1	...	...
Logan .....	1	...	...	...	...
Merritt .....	1	...	...	...	...
Parks .....	...	...	1	...	...
Phelps ....	...	1	...	...	...
Pico .....	1	...	...	...	...
Rhodes .....	...	1	...	...	...
Ryan .....	...	1	...	...	...
Shafter .....	...	...	...	...	1
Sharp .....	...	1	...	...	...
Thomas .....	...	...	1	...	...
Thornton .....	1	...	...	...	...
Vance .....	1	...	...	...	...
Warmcastle .....	1	...	...	...	...
Watson ...	1	...	...	...	...
Watt .....	1	...	...	...	...
Williamson .....	1	...	...	...	...
Adams .....	...	1	...	...	...
Amyx.....	1	...	...	...	...
Avery .....	...	...	...	...	1
Baechtel .....	...	...	1	...	...
Banks .....	...	1	...	...	...
Bradley .....	1	...	...	...	...
Briggs .....	...	...	...	...	1
Burnell .....	...	1	...	...	...
Buell .....	...	...	1	...	...
Campbell .....	...	1	...	...	...
Chandler ..	1	...	...	...	...
Cherry .....	...	...	...	...	1
Childs .....	1	...	...	...	...
Clark .....	...	...	...	...	1
Coleman .....	...	1	...	...	...
Conness .....	...	1	...	...	...
Councilman .....	...	1	...	...	...

NAMES.	Aylette...	Tilden...	Thomas...	Ellis.....	Spencer...
Covarrubias .....	1				
Crocker .....		1			
Curtis .....	1				
Denniston .....		1			
Dougherty .....		1			
Durst .....		1			
Eastman .....		1			
Fargo .....		1			
Flanders .....					1
Ford .....					1
Foster. ....			1		
Gillette .....	1				
Gordon .....	1				
Green .....		1			
Gregory .....	1				
Hagans .....			1		
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman ....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspeyro ....	1				
Lippincott .....		1			
Magruder .....			1		
Miller .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy. ....			1		
Porter .....					1
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith, of Tulare .....			1		
Smith, of Placer .....			1		
Sorrel .....	1				
Spence .....					1

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Stearns .....		1			
Tilden .....			1		
Tilton .....					1
Tittel .....		1			
Walter .....		1			
White .....		1			
Willey .....					1
Wood, of Plumas .....			1		
Wood of Yolo .....	1				

Mr. Blair voted for Dr. Bailey.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Tilden received thirty-four votes.

Mr. Ayette received thirty-nine votes.

Mr. Thomas received twenty votes.

Mr. Spencer received twelve votes.

Mr. Bailey received one vote.

There being no election, no one having received a majority of all the votes cast—

#### FOR RESIDENT PHYSICIAN—EIGHTH BALLOT.

The Secretary called the roll for the eighth ballot, with the following result :

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....		1			
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
DeLong .....		1			
Denver.....			1		
Dickinson .....			1		
Eagan .....	1				
Franklin.....	1				
Gallagher .....	1				
Harvey .....		1			
Haynes .....		1			
Irwin .....		1			
Leet .....			1		
Logan .....	1				
Merritt .....	1				

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Phelps.....		1			
Pico .....	1				
Rhodes.....		1			
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas.....	1				
Thornton.....	1				
Vance.....	1				
Warmcastle.....	1				
Watson .....	1				
Watt .....	1				
Williamson.....	1				
Adams .....		1			
Amyx.....	1				
Avery .....		1			
Baechtel .....			1		
Banks .....		1			
Blair.....					1
Bradley .....	1				
Briggs.....			1		
Burnell .....		1			
Buell .....			1		
Campbell.....		1			
Chandler.....	1				
Cherry .....					1
Childs.....	1				
Clark.....					1
Coleman .....			1		
Coltrin .....		1			
Conness.....		1			
Councilman.....		1			
Covarrubias .....	1				
Crocker .....		1			
Curtis.....	1				
Denniston .....		1			
Doughterty.....		1			
Durst .....		1			
Eastman .....		1			
Fargo .....		1			
Flanders .....					1
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Gordon.....	1				
Green .....		1			
Gregory.....	1				
Hagans .....			1		

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspeyre .....	1				
Lippincott.....		1			
Magruder .....			1		
Milner .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....			1		
Porter .....					1
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith of Tulare .....		1			
Smith of Placer.....			1		
Sorrel .....	1				
Spence .....					1
Stearns .....		1			
Tilden .....			1		
Tilton .....					1
Tittel .....		1			
Walden....			1		
Walter .....		1			
White .....		1			
Willey .....					1
Wood of Plumas .....			1		
Wood of Yolo..	1				

Whole number of votes cast, one hundred and six.  
Necessary to a choice, fifty-four.

Mr. Tilden received thirty-eight votes.  
Mr. Ayette received thirty-nine votes.

Mr. Thomas received nineteen votes.

Mr. Spencer received ten votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—NINTH BALLOT.

The Secretary called the roll for the ninth ballot, with the following result:

NAMES.	Aylette...	Tilden ...	Thomas...	Ellis ....	Spencer...
Burbank .....		1			
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
DeLong .....		1			
Denver .....			1		
Dickinson .....			1		
Eagan .....	1				
Franklin .....	1				
Gallagher .....	1				
Harvey .....		1			
Haynes .....		1			
Heacock .....		1			
Irwin .....		1			
Leet .....			1		
Logan .....	1				
Merritt .....	1				
Phelps .....		1			
Pico .....	1				
Rhodes .....		1			
Ryan .....		1			
Shafter .....				1	
Sharp .....		1			
Thomas .....			1		
Thornton .....	1				
Vance .....	1				
Warmcastle .....	1				
Watson .....	1				
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx .....	1				
Avery .....		1			
Baechtel .....			1		
Banks .....		1			
Blair .....				1	
Bradley .....	1				
Briggs .....			1		



NAMES.	Ayette...	Tilden....	Thomas...	Spencer...	Ellis .....
Burnell .....		1			
Buell .....			1		
Campbell .....		1			
Chandler .....	1				
Cherry .....			1		
Childs .....		1			
Clarke .....				1	
Coleman .....			1		
Coltrin .....		1			
Conness .....		1			
Councilman.....		1			
Covarrubias.....	1				
Crocker .....		1			
Curtis .....	1				
Denniston .....		1			
Dougherty .....		1			
Durst.....		1			
Eastman.....		1			
Fargo .....		1			
Flanders .....		1			
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Gordon .....	1				
Green .....		1			
Gregory .....	1				
Hagans .....			1		
Hanson .....	1				
Harriman.....			1		
Harris.....	1				
Harrison.....			1		
Haun.....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor.....	1				
Laspeyre .....	1				
Lippincott .....		1			
Magruder .....			1		
Miller .....			1		
Montgomery .....	1				
Morgan.....				1	
Morrison.....	1				
Munday .....			1		

NAMES.	Ayette ...	Tilden ...	Thomas...	Spencer...	Ellis .....
O'Brien.....	1	1			
Patrick .....	1				
Piercy .....			1		
Porter .....				1	
Powell.....			1		
Scott.....	1				
Showalter.....	1				
Smith of Tulare.....		1			
Smith of Placer.....			1		
Sorrel .....	1				
Spence.....		1			
Stearns .....		1			
Tilden .....			1		
Tilton .....				1	
Tittel .....		1			
Walden.....			1		
Walter .....		1			
White .....			1		
Willey.....				1	
Wood of Plumas.....			1		
Wood of Yolo.....	1				

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Tilden received forty-one votes.

Mr. Ayette received thirty-seven votes.

Mr. Thomas received twenty-one votes.

Mr. Spencer received eight votes.

There being no election, no one having received a majority of all the votes cast—

#### FOR RESIDENT PHYSICIAN—TENTH BALLOT.

The Secretary called the roll for the tenth ballot, with the following result :

NAMES.	Ayette...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....		1			
Chase.....		1			
Clark .....		1			
Crittenden. ....	1				
DeLong .....		1			
Denver.....			1		
Dickinson .....			1		

NAMES.	Aylotte ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Eagan .....	1				
Franklin .....	1				
Gallagher.....	1				
Harvey .....		1			
Haynes .....		1			
Heacock .....		1			
Irwin .....		1			
Leet.....			1		
Logan.....	1				
Merritt .....	1				
Phelps.....		1			
Pico .....	1				
Rhodes .....		1			
Ryan.....		1			
Shafter .....					1
Sharp.....		1			
Thomas .....			1		
Thornton .....	1				
Vance .....	1				
Warmcastle .....	1				
Watson .....	1				
Watt.....	1				
Williamson .....	1				
Adams.....		1			
Amyx.....	1				
Avery .....		1			
Baechtel .....			1		
Banks .....					1
Bradley .....	1				
Briggs .....			1		
Burnell .....		1			
Buell.....			1		
Campbell .....		1			
Chandler .....			1		
Cherry.....					1
Childs .....		1			
Clark .....					1
Coleman .....			1		
Coltrin.....		1			
Conness .....		1			
Councilman .....					1
Covarrubias .....	1				
Crocker .....		1			
Curtis .....	1				
Denniston .....		1			
Dougherty.....		1			
Durst.....		1			
Eastman .....		1			

NAMES.	Ayotte...	Tilden...	Thomas...	Ellis...	Spencer...
Fargo .....		1			
Flanders .....					1
Ford .....					1
Foster .....			1		
Gillette .....	1				
Gordon .....	1				
Green .....		1			
Gregory .....	1				
Hagans .....	1				
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspoys .....	1				
Lippincott .....		1			
Magruder .....			1		
Miller .....		1			
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....			1		
Piercy .....			1		
Porter .....					1
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith of Tulare .....		1			
Smith of Placer ... ..			1		
Sorrel .....	1				
Spence .....		1			
Stearns .....		1			
Tilden .....			1		
Tilton .....					1
Tittel .....		1			
Walden .....			1		
Walter .....		1			
White .....			1		

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Willey ..	.....	.....	.....	.....	1
Wood of Plumas .....	.....	.....	1	.....	.....
Wood of Yolo.....	1	.....	.....	.....	.....

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-six.

Mr. Tilden received thirty-eight votes.

Mr. Ayette received thirty-six.

Mr. Thomas received twenty-one votes.

Mr. Spencer received eleven votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Scott moved that the convention adjourn until Tuesday next, March twenty-sixth, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Crittenden and Watson of the Senate, and Gillette of the House, and taken with the following result: Ayes, 46—noes, 62:

**AYES**—Messrs. Burbank, Crittenden, De la Guerra, Dickinson, Eagan, Franklin, Gallagher, Logan, Merritt, Pico, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Banks, Bradley, Cherry, Councilman, Covarrubias, Crocker, Curtis, Flanders, Gillette, Gregory, Haun, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Montgomery, Morrison, Scott, Showalter, Sorrel, Tilton, White, Willey, Wood of Plumas, and Wood of Yolo—46.

**NOES**—Messrs. Chase, Clark, De Long, Denver, Harvey, Haynes, Heacock, Irwin, Leet, Phelps, Rhodes, Byan, Shafter, Sharp, Thomas, Adams, Avery, Baechtel, Briggs, Burnell, Buell, Campbell, Chandler, Childs, Clarke, Coleman, Coltrin, Conness, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Magruder, Miller, Morgan, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, and Walter—62.

So the motion was lost, and the convention refused to adjourn.

#### FOR RESIDENT PHYSICIAN—ELEVENTH BALLOT.

The Secretary then called the roll for the eleventh ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis.....	Spencer...
Burbank .....		1			
Chase .....		1			
Clark .....		1			
Crittenden .....	1				
De Long .....		1			
Denver .....			1		
Eagan .....	1				
Franklin .....	1				
Gallagher .....	1				
Harvey .....		1			
Haynes .....		1			
Irwin .....		1			
Leet .....			1		
Logan .....	1				
Merritt .....	1				
Phelps .....		1			
Pico .....	1				
Rhodes .....		1			
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Thomas .....			1		
Thornton .....	1				
Vance .....	1				
Warmcastle .....	1				
Watson .....	1				
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx .....	1				
Avery.....		1			
Baechtel .....			1		
Banks .....					1
Bradley .....	1				
Briggs .....			1		
Burnell .....		1			
Campbell .....		1			
Chandler .....			1		
Cherry .....					1
Childs.....		1			
Clark .....					1
Coltrin .....		1			
Conness .....		1			
Covarrubias .....	1				
Curtis .....	1				
Denniston .....		1			
Dougherty .....		1			
Durst .....		1			

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....	Spencer ...
Eastman .....		1			
Fargo .....		1			
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Gordon .....	1				
Green .....		1			
Gregory .....	1				
Hagans .....	1				
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Lalor .....	1				
Laspeyre .....	1				
Lippincott .....		1			
Magruder .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....			1		
Piercy .....			1		
Porter .....					1
Powell ....		1			
Scott .....	1				
Showalter .....	1				
Smith of Tulare .....		1			
Smith of Placer .....			1		
Sorrel .....	1				
Spence .....		1			
Stearns .....		1			
Tilden .....			1		
Tilton .....					1
Tittel .....		1			
Walden .....			1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Walter .....	.....	1	.....	.....	.....
White.....	.....	.....	1	.....	.....
Wood of Plumas .....	.....	.....	1	.....	.....
Wood of Yolo .....	1	.....	.....	.....	.....

Those who voted for Mr. Powell were—

Messrs. Buell, Councilman, Crocker, Flanders, Miller, and Willey.

Mr. Dickinson voted for Mr. Titus.

Mr. Coleman voted for Mr. Hamm.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Tilden received thirty-six votes.

Mr. Aylette received thirty-six votes.

Mr. Thomas received eighteen votes.

Mr. Spencer received seven votes.

Mr. Powell received six votes.

Mr. Titus received one vote.

Mr. Hamm received one vote.

There being no election, no one having received a majority of all the votes cast.

Mr. Munday moved to adjourn until to-morrow, March twenty-third, at twelve o'clock, M.

Mr. Leet moved to adjourn until this Friday evening, March twenty-second, eighteen hundred and sixty-one, at half past seven o'clock, P. M.

Mr. Gregory moved that the Convention adjourn until Tuesday, March twenty-sixth, eighteen hundred and sixty-one, at two o'clock, P. M.

The question being upon the shortest time.

Lost.

The question recurring on the motion of Mr. Munday.

Lost.

The question then recurring on the motion of Mr. Gregory.

Carried.

So the Convention adjourned until Tuesday, March twenty-sixth, eighteen hundred and sixty-one, at two o'clock, P. M.

Whereupon, the Senate returned to their Chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

Mr. Phelps moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Dickinson, Watt, and Denver, and taken with the following result: Ayes, 12—noes, 18:

AYES—Messrs. Burbank, Clark, De Long, Harvey, Heacock, Irwin, Phelps, Rhodes, Shafter, Sharp, Thomas, and Vance—12.



**NOES**—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Haynes, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watkins, Watson, Watt, and Williamson—18.

So the Senate refused to adjourn.

Mr. De Long moved a call of the Senate.

Upon which, the ayes and noes were demanded by Messrs. Burbank, and De Long, and taken with the following result: Ayes, 12—noes, 20:

**AYES**—Messrs. Burbank, Clark, De Long, Harvey, Heacock, Irwin, Phelps, Rhodes, Shafter, Sharp, Thomas, and Vance—12.

**NOES**—Messrs. Chase, Crittenden, De la Guerra, Denver, Eagan, Franklin, Gallagher, Haynes, Leet, Logan, Merritt, Parks, Pico, Ryan, Thornton, Warmcastle, Watkins, Watson, Watt, and Williamson—20.

So the motion was lost.

Mr. De Long then moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Thomas, De Long, and Burbank, and taken with the following result: Ayes, 14—noes, 19:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Dickinson, Harvey, Heacock, Irwin, Phelps, Rhodes, Shafter, Sharp, Thomas, and Vance—14.

**NOES**—Messrs. Crittenden, De la Guerra, Denver, Eagan, Franklin, Gallagher, Haynes, Leet, Logan, Merritt, Parks, Pico, Ryan, Thornton, Warmcastle, Watkins, Watson, Watt, and Williamson—19.

So the Senate refused to adjourn.

Mr. De Long in the Chair.

The Senate having refused to adjourn, resumed the consideration of the substitute offered by Mr. Clark, and under consideration when the Senate took a recess preparatory to going into Joint Convention.

The question being upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Eagan, Gallagher, and Watt, and taken with the following result: Ayes, 17—noes, 16:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Parks, Phelps, Ryan, Sharp, Thomas, Vance, and Watkins—17.

**NOES**—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Merritt, Pico, Rhodes, Shafter, Thornton, Warmcastle, Watson, Watt, and Williamson—16.

So the substitute was adopted.

Mr. Merritt moved to amend by striking out "twelve o'clock, m." and inserting "two o'clock, p. m."

The resolution was then adopted as amended.

Mr. Merritt moved that a committee of three be appointed to wait upon the Governor and notify him of the action of the Senate and the passage of the resolution.

Agreed to.

The Chair appointed as such committee, Messrs. Leet, Ryan, and Burbank.

On motion of Mr. Ryan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 23d, 1861. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called.  
Quorum present.  
Journal of yesterday read and approved.

On motion of Mr. Thomas, leave of absence was granted to Mr. Hill until Wednesday next.

## PETITIONS.

Mr. Phelps presented a petition from sundry bankers of the City of San Francisco together with a bill in relation thereto entitled An Act in relation to Bills of Exchange and other negotiable instruments.

Read first and second times, and referred to the Judiciary Committee.

Mr. Shafter presented the petition Of D. C. M. Goodsell and others, praying for the passage of An Act providing for the modification of the grade of First Street in San Francisco.

Received and referred to San Francisco Delegation.

Mr. Williamson presented a remonstrance from citizens of Stanislaus County protesting against the passage of an act now before the Senate providing for a change of the County Seat of said County.

Received and referred to the Committee on Counties and County Boundaries.

## REPORTS.

Mr. Leet, from the Special Committee appointed by the Senate on yesterday to wait upon the Governor and notify him of the adoption of a resolution relative to going into Joint Convention on the twenty-third instant, for the purpose of electing a United States Senator, etc. made a verbal report that they had performed the duties assigned them, and asked to be discharged.

Report received and committee discharged.

Mr. Leet, to whom was referred Assembly Bill, No. 168, reported the same back with a recommendation that it be referred to the Senator from Del Norte.

Report received, and bill referred to the Senator from Del Norte.

Mr. Burbank, from the San Francisco Delegation, to whom was referred Senate Bill, No. 146, reported the same back verbally, with a recommendation that it pass with an amendment reported therewith.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back and amendment concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Chase, the rules were suspended, and Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State—was taken up, and Assembly amendments concurred in.

Mr. Watkins made the following report:

**Mr. PRESIDENT:**—The Committee on Claims, to whom was referred Assembly Bill, No. 231, Claim of I. & S. Wormser, Assignees, for copying done for Assembly, Eleventh Session, and for pay of Reporters—have had the same under consideration, and the undersigned members of the committee beg leave to report the same back without amendment and recommend the passage of the bill.

WATKINS,  
EAGAN,  
HAYNES.

Report received, and with bill, placed on file.

**Mr. Watkins** also made the following report:

**Mr. PRESIDENT:**—The Committee on Claims, to whom was referred Senate Bill, No. 201, Claim of A. M. Winn for Military Services in eighteen hundred and fifty-one against Indians in El Dorado County—have had the same under consideration and report the bill back without amendment and recommend the passage of the bill;

Also, the claim of Greenhood & Newbaur for expressing Coin from Shasta to Weaverville during the Indian War in Humboldt County;

Also, the claim of F. H. Woods, Assignee, for pay of Porter of Senate in eighteen hundred and fifty-four—and report the same back with a recommendation that they be rejected;

Also, the claim of William Bofer & Co. for Hardware, etc. furnished the State Reform School—and report the same back with the accompanying bill with a recommendation of a majority of the committee that the bill be passed;

Also, the claim of Geo. I. Lytle for Newspapers furnished at the Eleventh Session of the Senate;

Also, the claim of James Sweaney for services rendered as Porter of Committee Rooms of Senate, Eleventh Session;

Also, the claim of W. F. Hicks & Co. for Newspapers furnished the Senate, Eleventh Session—and report the same back with the accompanying bill and recommend the passage of the bill;

Also, the claim of Wells, Fargo & Co. for Franked Envelops furnished the Senate, Eleventh Session, and for transportation of Arms—and report the same back with the accompanying bill and recommend the passage of the bill.

WATKINS,  
Chairman.

An Act to appropriate Money to pay the claim of Wm. Bofer & Co. above reported—was read first and second times, and placed on file.

An Act to appropriate Money to pay the claim of Wells, Fargo & Co. above reported—was read first and second times, and placed on file.

**Mr. Parks** made the following report:

**Mr. PRESIDENT:**—Your Committee on Swamp Lands to whom was referred Senate Bill, No. 181, An Act in relation to the entry of Lands in certain cases—have had the same under consideration and beg leave to report the same back with amendment and recommend its passage as amended.

W. H. PARKS,  
For Committee.

Report received, and with bill, placed on file.

**Mr. Dickinson** made the following report:

**Mr. PRESIDENT:**—Your Committee on Counties and County Boundaries

have had under consideration Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County—and am directed by a majority of the committee to report the bill to the Senate and recommend its passage without amendment.

DICKINSON,  
Chairman.

On motion of Mr. Dickinson, the vote by which the Senate this morning referred the remonstrance offered by Mr. Williamson to the Committee on Counties and County Boundaries—was reconsidered, and the said remonstrance placed on file together with the bill just reported by Mr. Dickinson.

Mr. Heacock made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six;

Also, Senate Bill, No. 213, An Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Grave-Yard in Red Bluff to the new Cemetery and to levy a Tax to pay the cost of the same—and report the same correctly engrossed.

E. H. HEACOCK,  
Of Committee.

Report accepted.

Mr. Irwin made the following report:

MR. PRESIDENT:—The Butte and Plumas delegations, to whom was referred Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special Tax for building purposes, and to levy an additional Tax for County purposes in said County—have had the same under consideration and herewith report the bill back to the Senate and recommend its passage with the following amendment:

Strike out "sixty" wherever it occurs in the first section and insert "thirty."

RICHARD IRWIN.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

Mr. Gallagher made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date and find due the Secretary of the Senate for copying:

Purpose.	Folio.	Per Folio.	Amount.
Tabular statement and statistics—			
Journal .....	1,478	15 cts.	\$221 70
For Printer .....	2,383	10 cts.	233 80
Totals.....	3,861	.....	454 50

P. A. GALLAGHER,  
For Committee.

Report adopted.

Mr. Pico made the following report :

Mr. PRESIDENT :—The San Bernardino Delegation, to whom was referred Assembly Bill, No. 230, An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino—report the same back and recommend its passage.

A. PICO.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. Sharp made the following report :

Mr. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 97, An Act to grant the right of way and to authorize the parties therein mentioned to lay down and maintain a Railroadway Track within the limits of the City and County of San Francisco, and to run Cars thereon—have had the same under consideration and report the same back and recommend it be indefinitely postponed.

SHARP,

For Delegation.

Report received, and with bill, placed on file.

Mr. Shafter made the following report :

Mr. PRESIDENT :—The Committee on Enrolled Bills report that they have examined Senate Bills, Nos. 136, 157, and 184, and find the same correctly enrolled.

SHAFTER,

For Committee.

Report accepted.

Mr. Shafter also made the following report :

Mr. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe Three Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same and other matters relating thereto—have had the same under consideration and report the same back and recommend the passage of the bill with the amendments, viz :

SECTION 1. Strike out the words where they occur in said section "on the first Tuesday," and insert "on the third Tuesday," so as to read on the third Tuesday of May next.

SEC. 9. Strike out where they occur in said section the words "ten per cent. of the whole amount of said bonds issued under this act," and insert "not exceeding ten cents on the one hundred dollars worth of taxable property of said City and County."

Insert before the last section the following section :

"SEC. —. The subscription of stock authorized by virtue of the provisions of this act shall be made by said Board of Supervisors on the books of said company upon the express condition that the said city and county shall not be liable for any of the debts, or liabilities, of said company, beyond the amount so subscribed, and this provision as to the liability of said city and county shall be a part of, and so expressly stipulated in, all contracts made by said company for the construction and equipment of said road ; and in case the said company shall fail, or refuse, to make such

stipulation in all of their said contracts then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure, or refusal, and the said city and county shall never make any other or further subscription to the capital stock of said company than that provided for by this act."

Respectfully submitted,

SHAFTER,

For the Committee.

Report received, and the bill placed on file.

Mr. Haynes made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred the account of the *Spirit of the Times* for publishing a military notice per order of Senate Select Committee amounting to the sum of twelve dollars;

Also, the account of the *Sacramento Union* for publishing the same notice, amounting to the sum of seven dollars—report they have examined the same and recommend the payment thereof out of the Contingent Fund of the Senate.

J. P. HAYNES,

Chairman.

March 22d, 1861.

Report accepted.

Mr. Eagan made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Senate Bill, No. 200—have considered the same and report it back and recommend that it pass.

EAGAN,

Chairman.

Report received, and with bill, placed on file.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 22d, 1861.

To the Honorable the Senate of California:

I transmit herewith for the consideration of your honorable body a communication addressed to the Legislature of California, by our delegation in Congress, on the subject of the valuable services rendered by General Wm. C. Kibbe in assisting the delegation in securing the passage by Congress of the bill to pay the claims, etc. for suppressing Indian hostilities, and other matters.

JOHN G. DOWNEY,

Governor.

Message read, and, together with communication, referred to the Committee on Military Affairs.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY, }  
March 21th, 1861.

MR. PRESIDENT:—On the eighteenth instant, the House adopted Concur-

rent Resolution, No. 41, Relative to the Butterfield Route, and ask the concurrence of the Senate ;

Also, on the nineteenth instant, passed Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State, in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight ;

Also, on yesterday, passed Senate Bill, No. 136, An Act authorizing Gustave Touchard Executor of the estate of Henry Mathey, deceased, to sell the Real Estate belonging to said Henry Mathey, deceased, at private, or public, sale ;

Also, on the twentieth instant, passed Assembly Bill, No. 156, An Act amendatory of, and supplementary to, An Act entitled An Act supplementary to An Act to provide for Funding the outstanding debt of the City of Oakland, and to prevent the creation of new debts by said city ;

Also, on the nineteenth instant, passed Assembly Bill, No. 240, An Act supplementary to, and explanatory of, the first section of An Act to provide a Fund for the redemption of, and prescribing the manner of, redeeming the outstanding warrants, drawn upon the Treasury of Tuolumne County ; and, further, to provide for the payment of all the current expenses of said County, in cash, approved February twenty-second, eighteen hundred and sixty-one ;

Also, on the twentieth instant, passed Assembly Bill, No. 252, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the official terms of certain Officers therein mentioned ;

Also, on the twenty-second instant, passed Assembly Bill, No. 310, An Act to amend An Act fixing the time when General Laws shall take effect ;

Also, on the twenty-second instant, the House concurred in Senate amendments to Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena in the County of Mendocino ;

Also, those of Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada ;

Also, passed Assembly Bill, No. 309, An Act to authorize the modification, or alteration, of certain Streets in the City and County of San Francisco ;

Also, Assembly Bill, No. 312, An Act making appropriation for Deficiencies made for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Concurrent Resolution, No. 41, above reported—was read and concurred in.

Assembly Bill, No. 309, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 156, above reported—was read first and second times, and referred to the Senator from Santa Clara.

Assembly Bill, No. 240, above reported—was read first and second times, rules further suspended and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Assembly Bill, No. 252, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 310, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 312, above reported—was read first and second times, and referred to the Finance Committee.

#### INTRODUCTION OF BILLS.

Mr. Watkins, by leave, introduced a bill for An Act to provide for the survey and construction of a Wagon Road from Sacramento City to Empire Ranch.

Read first and second times, and referred to the delegations from Yuba, Sacramento, and Sutter.

Mr. Watkins also, by leave, introduced a bill for An Act to provide for the publication of the General Laws of the State in force at the expiration of the Thirtieth Session of the Legislature.

Read first and second times, and referred to the Judiciary Committee.

Mr. Gallagher, by leave, introduced a bill for An Act to separate the office of County Recorder from the office of County Clerk in the County of Calaveras.

Read first and second times, and placed on file.

By Burbank, by leave, introduced a bill for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and amended May eighteenth, eighteen hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp, by leave, introduced a bill for An Act amendatory of, and supplementary to, an Act entitled An Act to give to the proceedings of the Courts of Probate the same effect as Courts of general jurisdiction, passed March twenty-seventh, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp also, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of certain Streets in said City and County.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Sharp also, by leave, introduced a bill for An Act for the relief of Lewis Teal, late Tax Collector in and for the City of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Shafter, by leave, introduced a bill for An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Committee on Corporations.

Mr. Phelps, by leave, introduced a bill for An Act concerning Telegraphic Messages and to secure secrecy and fidelity in the transmission thereof.

Read first and second times, and referred to the Judiciary Committee.

Mr. Pico, by leave, introduced a bill for An Act authorizing Charles H. Brindle and Andrey Pico to build and construct a Turnpike Road from the Ex-Mission of San Fernando across the Mountain of San Fernando to the Arroyo de Santa Clara, in Los Angeles County.

Read first and second times, and referred to the Committee on Roads and Highways.

Mr. Clark, by leave, introduced a bill for An Act to change the name of Daniel McDonough to that of James Henry Warwick.



Read first and second times, rules further suspended, and considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, bill considered engrossed, read a third time, and passed.

Mr. Warmcastle, by leave, introduced a bill for An Act to develop the Agricultural Resources of the State by encouraging the early reclamation of the Swamp, Marsh, and Overflowed, Lands within its boundaries by the owners thereof, and to secure the application of Moneys arising from the Sale of the same to the object contemplated by Congress in granting said Lands to the State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Franklin, by leave, introduced a bill for An Act supplemental to an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Finance Committee.

Mr. Vance, by leave, introduced a bill for An Act to repeal An Act to declare Feather River navigable, approved March fourteenth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Harvey, by leave, introduced a bill for An Act to repeal an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six; also, An Act amendatory of, and supplemental to, an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions in this State, approved April twenty-first, eighteen hundred and fifty-six, approved March twenty-second, eighteen hundred and sixty.

Read first and second times, and referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 23d, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that in response to the information conveyed to me by your Special Committee, notifying me of the action of your honorable body in relation to the election of Senator of the United States, in Joint Convention, on the twentieth instant that I have not issued credentials to the Hon. James A. McDougall as such, and that the certificate of the Speaker of the Assembly and President of the Senate is in the possession of the said Hon. James A. McDougall, and was conveyed to him immediately upon its reception from the presiding officers of the Joint Convention, ten minutes after the election was declared, and before any suspicion of error was reported to me. This delivery occurred by mistake. It is proper to remark that this certificate I consider the property of the Executive office, and is the only authority I can have for the issuance of credentials under our law.

The possession of this certificate by me, renders it obligatory upon me to issue the credentials required by our statute on the subject.

I will here state that in the discharge of my trust, I do not consider it competent to inquire behind it, while it stands unrecalled, or uncorrected,

by the only officers competent to convey to me the action of the Joint Convention.

I trust for the honor and dignity of the State that you will take such steps as will relieve this matter from even a suspicion of unfairness, or error.

While this subject is undergoing investigation by the Legislature, you can rest assured that there will be no action taken by me that will compromise the honor of the State, or her representatives.

I would suggest, with all proper deference, that each branch instruct its presiding officer to correct any error, if any, in their declaration to me.

In the absence of this, my duty is clear and imperative, and I will be compelled to issue the credentials, as required by law.

I respectfully request that your honorable body will transmit this to the Assembly.

JOHN G. DOWNEY,  
Governor.

Read, and the Secretary directed to transmit the same to the Assembly forthwith.

#### GENERAL FILE.

Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six—was taken up, and read a third time.

Mr. De Long moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded by Messrs. Watt, Chase, and Harvey, and taken with the following result: Ayes, 5—noes, 16:

AYES—Messrs. Chase, De Long, Franklin, Logan, and Watt—5.

NOES—Messrs. Burbank, Clark, Crittenden, Dickinson, Harvey, Haynes, Heacock, Leet, Merritt, Phelps, Rhodes, Sharp, Thomas, Thornton, Warmcastle, and Watkins—16.

So the motion was lost and the Senate refused to indefinitely postpone.

The question then being upon the passage of the bill, the ayes and noes were demanded by Messrs. Watt, Chase, and De Long, and taken with the following result: Ayes, 16—noes, 6:

AYES—Messrs. Burbank, Crittenden, Denver, Egan, Harvey, Haynes, Heacock, Leet, Merritt, Phelps, Sharp, Thomas, Thornton, Vance, Warmcastle, and Watkins—16.

NOES—Messrs. Chase, De Long, Franklin, Logan, Watson, and Watt—6.

So the bill was passed.

Mr. Logan, by leave, offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that the President of the Senate and Speaker of the Assembly be directed to certify to the Governor, that the Honorable James A. McDougall did not receive a majority of all the votes cast for United States Senator in Joint Convention of the Senate and Assembly on the twentieth day of March, A. D. eighteen hundred and sixty-one, or on any other day during the present session of the Legislature, and that any certificate of such election having taken place was signed by such officers through an error and should be held invalid.

Mr. Phelps moved to lay the resolution on the table.

Lost.

Mr. Williamson moved the previous question.  
Not sustained.

Mr. Chase then offered the following amendment:

After the word "Governor," strike out the words "that the Honorable James A. McDougall did not receive a majority of all the votes cast," and insert the words "all the facts in relation to the votes cast." Strike out all after the word "Legislature" in the twelfth line.

Mr. Shafter, by leave, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills report that they delivered to his Excellency the Governor for his approval Senate Bills, Nos. 136, 157, 184, this day at ten minutes past two o'clock, P. M. March twenty-third, eighteen hundred and sixty-one.

SHAFTER,

Report accepted.

For Committee.

On motion of Mr. Sharp, Assembly Bills, Nos. 56 and 57—were taken from the file and made the special order of the day for Wednesday next at half past eleven o'clock, A. M. and at the same hour each day thereafter until the same are disposed of.

On motion of Mr. Williamson, Senate Bill, No. 42, An Act for the payment of expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento—was taken up, and considered in Committee on the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. Logan's resolution was then taken up, and the question being upon the adoption of the amendment of Mr. Chase.

Mr. Shafter moved to lay the resolution and amendment on the table.

Upon which, the ayes and noes were demanded by Messrs. Watson, Shafter, and Clark, were taken with the following result: Ayes, 17—noes, 12:

AYES—Messrs. Chase, Clark, De Long, Dickinson, Harvey, Haynes, Irwin, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Thomas, Vance, and Williamson—17.

NOES—Messrs. Burbank, Denver, Eagan, Franklin, Gallagher, Leet, Logan, Thornton, Warmcastle, Watkins, Watson, and Watt—12.

So the motion prevailed, and the resolution and amendment were laid on the table.

On motion, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER,

March 23d, 1861. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have refused to concur in Senate Concurrent Resolution for a Joint Convention on March twenty-third, at one o'clock, P. M. to determine whether a United States Senator has been duly elected, and if it shall be determined that no United States Senator has been elected to proceed with the business of the Convention to the election of a United States Senator to succeed the Hon. Wm. M. Gwin.

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Parks, the vote by which the Senate on yesterday adopted the resolution—was reconsidered.

Mr. Clark, the introducer, by unanimous consent, withdrew the resolution.

The question recurring on concurring in the original Assembly Resolution, for which the above mentioned resolution was adopted as a substitute—was put, and carried unanimously.

The Chair appointed as the committee on the part of the Senate under the resolution Messrs. Burbank, Gallagher, and Franklin.

On motion of Mr. Leet, a committee of three was appointed with instructions to notify the Governor of the passage of the aforementioned resolution.

The Chair appointed Messrs. Leet, Ryan, and Burbank.

On motion of Mr. Logan, the Concurrent Resolution introduced by himself and just laid on the table—was taken up, and made the special order of the day for Tuesday next at half past eleven o'clock, A. M.

On motion, Mr. Chase was excused from serving on the State Reform School Committee, and Mr. Parks appointed in his place.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, March, 25th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

On motion of Mr. Irwin, leave of absence was granted to Mr. De Long for two days.

Mr. Haynes presented the claims of sundry persons for Newspapers furnished the Senate at the present session.

Referred to the Committee on Contingent Expenses.

On motion of Mr. Phelps, Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State—was taken up, and Assembly amendments thereto, concurred in.

### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor: -

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 25th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 136, An Act authorizing Gustave Touchard, Executor of the estate of Henry Mathey, deceased, to sell the Real Estate belonging to the estate of said Henry Mathey, deceased, at public or private sale;

Also, Senate Bill, No. 184, An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate;

Also, Senate Bill, No. 157, An Act to legalize the survey of the Town of Red Bluff.

JOHN G. DOWNEY,  
Governor.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 31, entitled An Act to authorize Robert Haley to construct a Wharf at the foot of Union Street in the City and County of San Francisco—and report the bill back with amendments and recommend the bill pass as amended.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Phelps gave notice that he would at an early day make a minority report.

On motion of Mr. Rhodes, Senate Bill, No. 187, An Act to authorize Peter Davidson to execute a certain conveyance in behalf of his Children—was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Denver, the title was amended by striking out the words "a bill for."

#### INTRODUCTION OF BILLS.

Mr. Warmcastle, by leave, introduced a bill for An Act to pay the claim of A. R. Meloney, late State Controller.

Read first and second times, and referred to the Committee on Claims.

Mr. Haynes, by leave, introduced a bill for An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Irwin, by leave, introduced a bill for An Act relating to a Sea-Wall in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Phelps, by leave, introduced a bill for An Act to exempt certain property from Taxation.

Read first and second times, and referred to the Committee on Manufactures.

#### GENERAL FILE.

Senate Bill, No. 49, An Act to provide for the better observance of the Sabbath and to secure a day of rest from secular pursuits—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, and ordered to be engrossed, and read a third time.

Senate Bill, No. 107, An Act to appropriate Money to pay J. W. Lockwood—was taken up, and indefinitely postponed.

Mr. Eagan gave notice that he would on to-morrow move a reconsider-

ation of the vote just taken by which the Senate indefinitely postponed the bill.

Senate substitute for Senate Bill, No. 139, An Act authorizing Joseph Galloway and others to build a Wharf at San Francisco—was taken up.

Mr. Phelps, by leave, offered the following report thereon, whereupon the whole subject matter was made the special order of the day for Tuesday, April second, eighteen hundred and sixty-one, at twelve o'clock, M. viz:

Mr. PRESIDENT:—The undersigned, a minority of the Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 139, An Act providing for the building of a Wharf at the foot of Howard Street—has had the same under consideration and begs leave to make a report thereon and to recommend its indefinite postponement, and also the substitute offered by the committee.

The undersigned is of opinion that there is a sufficient number of wharfs on the immediate city front already constructed for the convenient use of commerce, although there is not perhaps a sufficient depth of water at the wharfs for the accommodation of vessels of the largest class, but he is of opinion that the remedy for this is not in building more wharfs, but that there can and should be sufficient water obtained at all the present wharfs in San Francisco, as it is obtained and maintained in every other sea port, viz: by dredging.

We have no evidence emanating from commercial men of San Francisco that there is any lack of wharfing accommodation in that city. It is true there is a small petition in favor of the passage of this bill, but in opposition to it we have a remonstrance signed by the principal merchants doing business in the neighborhood of Howard Street, and who are the only parties that could be benefited by its construction if it was necessary.

Admitting there is no urgent necessity for more wharfs, he is of opinion that there are good and valid reasons why more wharf franchises should not be granted on the city front at the present time, as measures have been instituted to secure a scientific survey of the harbor with a view to the constructing the water line front in such a particular and uniform manner as will most effectually protect the harbor when the present water-lots shall be filled in and built upon.

When this is determined it will evidently be very desirable that parties obtaining these franchises shall be compelled to comply with the general plan for constructing the required work, or shall at least waive all claim to damages on account thereof arising out of delay in building their wharfs, or from obstructions to their use, or from unavoidable damage done to them by parties engaged in constructing such works.

The undersigned knows of no sea port without this State where wharf franchises are granted that the power granting them does not prescribe the particular plan of the work, or mode of building them, so as to protect the harbor and to give to commerce the necessary accommodation, and the failure on the part of this State to make these usual and proper requirements has led to protracted and expensive contests in the Legislature over bills giving to parties an entire monopoly of the city front and the whole wharfing interest on condition that such parties would construct the works that the holders of the present wharf franchises should have been bound by the terms of their franchises to build.

The granting of such a stupendous monopoly could not prove otherwise than disastrous to the best interests of the people of the whole State, but it can only be avoided by proper and judicious action on the part of the

Legislature in requiring the recipients of these franchises to conform to certain plans which are not yet matured and which consequently cannot be engrafted into any bills during this session.

Probably by the opening of the next session of the Legislature the Engineers detailed by the General Government to make the necessary survey of the harbor will have completed their labor and will place before the Legislature all the information necessary to enable us to determine upon some systematic plan for the protection of the harbor and the proper accommodation of commerce, and as there is now no lack of wharfing facilities the undersigned most earnestly hopes the Senate will see the propriety of refusing all wharf franchises on the city front proper during the present session of the Legislature.

This bill as it now reads is so loosely and carelessly drawn as to need no argument from me to show that it ought not to pass. A part of the second section reads: "All right of the State of California to the land on which said wharf may be built, and to the lands on each side of said wharf not exceeding two hundred and seventy-five feet on either side bounded on the west by the said city front is hereby released to said parties for the term of fifteen years, said two hundred and seventy-five feet to be used for slip purposes only, and the free ingress and egress of vessels."

This grant on the part of the State is so complete and unconditional for the period named as to render it very doubtful indeed whether the Harbormaster or city government could exercise any control over the slips in the mooring of vessels, or in any other matter so long as it was used for slip purposes any more than they can regulate the management of a man's farm to which he has an undisputed title, yet all must see at once the necessity of proper harbor regulations and of requiring all to conform to them.

Again, it appears to the undersigned that we should so far profit by the experience of the past as to require parties who receive wharf franchises at our hands to dredge whenever necessary to maintain the present or a sufficient depth of water to accommodate properly the class of vessels that enter that port.

It should be borne in mind that the water lots are being filled in and the sewers which discharge such vast quantities of earthy matter are constantly being extended nearer to the water line front, thereby rendering dredging more and more necessary.

Had there been a wall, or bulkhead, built along the city front ten years ago, with sewers extending through it, there cannot be a doubt in the mind of any man who has paid any attention to the harbor but there would have been ere this a belt of dry land at low tide where the present wharfs are composed of sediment carried there by the sewers, had it not been removed by dredging but which has in the past condition of things settled principally upon the mud flats west of the water front line.

Respectfully submitted,

T. G. PHELPS,

Of Committee of Commerce and Navigation.

On motion of Mr. De la Guerra, Assembly Bill, No. 89, An Act to regulate Fees in Office in the County of Los Angeles—was taken up and considered in Committee of the Whole, and amendments reported by the Los Angeles Delegation adopted.

IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

The claim of J. B. Carr, Attorney-at-Law, for services rendered A. R. Meloney, Controller of State—was taken up, recommendation of Committee on Claims adopted, and claim rejected.

Senate Bill, No. 126, An Act more clearly to define the boundaries of Sacramento County and to amend the Act entitled An Act to amend an Act entitled An Act dividing the State into Counties and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one—was taken up and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment.

The question being on ordering the bill engrossed, the ayes and noes were demanded by Messrs. Warmcastle, Clark, and Heacock, and taken with the following result: Ayes, 13—noes, 11:

AYES—Messrs. Burbank, Chase, Clark, Denver, Dickinson, Gallagher, Heacock, Leet, Phelps, Rhodes, Ryan, Shafter, and Vance—13.

NOES—Messrs. Eagan, Franklin, Haynes, Irwin, Logan, Thomas, Thornton, Warmcastle, Watson, Watt, and Williamson—11.

So the bill was ordered to be engrossed, and read a third time.

Mr. Sharp, by leave, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills report that they have examined Senate Bills, Nos. 18, 50, 70, and 116—and find the same correctly enrolled, and that they presented the same to his Excellency the Governor for his approval this day at twenty minutes past eleven o'clock, A. M. March twenty-fifth, eighteen hundred and sixty-one.

SHAFTER,

Report accepted.

For Committee.

Mr. Logan moved to reconsider the vote by which the Senate to-day made Senate Bill, No. 139 the special order of the day for Tuesday, April second eighteen hundred and sixty-one.

Lost.

Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, and ordered to be engrossed, and read a third time.

Senate Bill, No. 123, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs—was indefinitely postponed.

Senate Bill, No. 92, An Act to provide for the disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School purposes by Act of Congress, passed March third, eighteen hundred and fifty-three, and to appropriate proceeds of the sale thereof to the credit of the General Fund—was rereferred to the Committee on Education.

Assembly Bill, No. 129, An Act making appropriations for the payment of the Per Diem and Mileage of Presidential Electors—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Assembly Bill, No. 84, An Act for recording certain Deeds and to make the same notice and evidence—was considered in Committee of the Whole.



## IN SENATE.

Reported back without amendments, read a third time, and passed.

Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child—was considered in Committee of the Whole and amended.

## IN SENATE.

Reported back, amendments concurred in, and bill read a third time, and passed.

Senate Bill, No. 204, An Act amendatory of, and supplemental to, An Act passed April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, and bill ordered to be engrossed, and read a third time.

Senate Bill, No. 105, An Act amendatory of, and supplemental to, An Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—was considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments concurred in, and bill rereferred to the Judiciary Committee.

Mr. Clark from the Finance Committee, by leave, made a verbal report recommending the passage of Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the States portion of the Poll Tax less that portion authorized by law to be paid into the General School Fund which shall be collected in said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine.

Report accepted, and bill placed on file.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

OFFICE OF BOARD OF EXAMINERS,  
Sacramento, March 25th, 1861. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body the following claim which has been approved by the Board, together with the papers and decision of the Board, viz:

Claim No. 214, Richard M. Jessup for five hundred and fifty-dollars, approved for five hundred dollars.

I also transmit the claim of E. J. Sanders and others, No. 226, for the sum of three thousand seven hundred and fifty dollars, with the comments of the Attorney-General.

JOHN G. DOWNEY,  
Governor.

Message, with the accompanying documents, was referred to the Committee on Claims.

Mr. Heacock made the following report:

Mr. PRESIDENT :—The El Dorado and Sacramento delegations, to whom was referred Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento—have had the same under consideration and report the same back with the accompanying deposition of B. Hunt, and recommend its indefinite postponement.

HEACOCK,

For Sacramento Delegation.

DICKINSON,

For El Dorado Delegation.

March 25th, 1861.

Report received, and with bill, placed on file.

#### INTRODUCTION OF BILLS.

Mr. Watson, by leave, introduced a bill for An Act to amend an Act passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos.

Read first and second times, and placed on file.

Mr. Watson, also, by leave, introduced a bill for An Act for the relief of Thomas W. Day, County Treasurer of Monterey County, to reimburse him for costs and expenses incurred by him in a suit for writ of *mandamus* wherein David Jacks was plaintiff.

Read first and second times, and placed on file.

Mr. Thornton, by leave, introduced a bill for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Vance, by leave, introduced a bill for An Act to appropriate Money to improve certain Wagon Roads running through the Counties of Butte and Plumas.

Read first and second times, and referred to the Finance Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

March 25th, 1861. }

Mr. PRESIDENT :—The Assembly on March eighteenth, passed Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa ;

Also, Assembly Bill, No. 135, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the expenses of surveying the Harbor of San Francisco ;

Also, on the nineteenth instant, passed Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the Counties of Sonoma, Tulare, Marin, Mendocino, Napa, Alameda, and Solano ;

Also, on this day passed Assembly Bill, No. 236, An Act to authorize the Board of Supervisors of San Diego County to levy a special Tax to be applied for County Jail purposes ;

Also, Senate Bill, No. 128, An Act concerning the City of San José, and to ratify and confirm a certain Ordinance of the Common Council of said City ;

Also, on the twenty-second instant, Assembly Bill, No. 276, An Act to incorporate the Town of Hornitos ;

Also, on the twenty-third instant, Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes;

Also, Assembly Bill, No. 180, An Act to extend the term of Office and define the duties and powers in certain cases and establish the Salaries of the Board of Supervisors of San Bernardino County;

Also, Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn for services as State Prison Director from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one;

Also, has this day passed Assembly Bill, No. 298, An Act making an appropriation for the salary of the State Librarian from the sixteenth day of March, to the thirtieth day of June, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, and Inspectors, Judges, and Clerks, of Elections, in Tuolumne County.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 146, above reported—was read first and second times, and referred to the delegation.

Assembly Bill, No. 97, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 135, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 276, above reported—was read first and second times, and referred to the Senator from Mariposo.

Assembly Bill, No. 164, above reported—was read first and second times, and referred to the delegation from Sonoma.

Assembly Bill, No. 180, above reported—was read first and second times, and referred to the delegation.

Assembly Bill, No. 298, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 205, above reported—was read first and second times, and referred to the delegation.

Assembly Bill, No. 236, above reported—was read first and second times, and referred to the delegation.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 26th, 1861.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Clark, Senate Bill, No. 103, was taken up and referred to the Senators from Sacramento and El Dorado.

Mr. Eagan moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate Bill, No. 107.

Upon which, the ayes and noes were demanded, by Messrs. Heacock, Logan, and Clark, and taken with the following result: Ayes, 7—noes, 10:

AYES—Messrs. Chase, Eagan, Franklin, Irwin, Thornton, Watt, and Vance—7.

NOES—Messrs. Clark, Denver, Haynes, Heacock, Logan, Phelps, Rhodes, Ryan, Warincastle, and Watkins—10.

So the motion was lost, and the Senate refused to reconsider.

Mr. Rhodes made the following report:

MR. PRESIDENT:—The Santa Clara Delegation, to whom was referred Assembly Bill, No. 156, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for funding the Outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City—have had the same under consideration, and beg leave to report the same back, with the following amendment, and recommend that the said bill be passed, when so amended:

Amend section fourth by adding thereto as follows: "And, *provided*, further, that the bonds to be issued after the passage of this act, shall not be delivered to the said John Crane, or his assigns, until the satisfaction of said judgment in favor of said John Crane against the city of Oakland, duly acknowledged, shall have been delivered to the said Oakland Fund Commissioners."

RHODES.

Report received, and with bill, placed on file.

Mr. Denver offered the following resolution:

*Resolved*, By the Senate, that the Commissioners appointed by the State of California for the superintending of the erection of the State Capitol, and the Superintendent appointed by said Commissioners, be requested to report by Friday next how much work has been performed on the State Capitol by Michael Fennel, the Contractor, how much money has been paid by the State to the Contractor, what amount of material there is on the ground belonging to the State; also, the amount of money paid by the State for the superintendence of the work performed, including the Commissioners' salaries; and also, if the said Contractor has complied with the terms of his contract, and if not, what action has been taken in the premises.

Adopted.

Mr. Gallagher made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the coping done for the Senate up to date, and find due the Secretary of the Senate four hundred and ninety-two dollars.

P. A. GALLAGHER,

Report adopted.

For Committee.

Mr. De Long made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was 're-

ferred Senate Bill, No. 217, An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty—have had the same under consideration, and report the same back, with amendments, and recommend its passage as amended.

Amend section second, by inserting after the words "which certificate shall," in line thirty-eight, the word "also."

Amend section fifth, by inserting after the words "good faith," in line ninth, the words "the person, or persons, to whom the same may be directed."

Amend section sixth, by striking out all after the words "corporate franchise," in the sixth line.

C. E. DE LONG,  
For the Committee.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Irwin gave notice that he would, on to-morrow, move a reconsideration of the vote just had by which the bill passed.

Mr. Watt made the following report:

Mr. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate Bill, No. 111, An Act to grant the right of way to construct a Toll-Bridge across Feather River, near Oroville, in Butte County—have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

Amend section first, by striking out the words "and such associates as he may admit," and insert in lieu thereof "Pacificus Ord and Myers B. West, and their associates." Strike out the word "He," in fifth line, and insert "They."

WILLIAM WATT,  
Chairman.

Report accepted, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

Mr. Sharp, by leave, introduced a bill for An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin.

Read first and second times, and referred to the Senators from Alameda and San Joaquin.

Mr. Phelps, by leave, introduced a bill for An Act authorizing O. S. Higgins, his Associates and Assigns, to lay down Gas Pipes in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Denver, by leave, introduced a bill for An Act to define the Duties of the Officers and Employés of the Senate, and establish their pay.

Read first and second times, and referred to Committee on Public Expenditures.

Mr. Logan, by leave, introduced a bill for An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and create a Contingent Fund, passed April fifteenth, eighteen hundred and sixty.

Read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendment, rules further suspended, bill considered engrossed, read a third time and passed.

Mr. Warmcastle, by leave, introduced a bill for An Act supplementary to an Act explanatory of An Act to amend An Act concerning Notaries Public, passed April thirtieth, eighteen hundred and fifty-seven, passed March sixteenth, eighteen hundred and fifty-nine, passed March thirty-first, eighteen hundred and fifty-nine.

Read first and second times and placed on file.

Mr. Denver, by leave, introduced a bill for An Act to repeal an Act entitled An Act fixing the Salary of the Register of the State Land Office.

Read first and second times, and referred to the Committee on Public Expenditures.

Mr. Shafter, by leave, introduced a bill for An Act to create the office of Sergeant-at-Arms.

Read first and second times, and referred to the Committee on Contingent Expenses.

Mr. Phelps in the Chair.

On motion of Mr. Irwin, Senate Bill, No. 241, An Act relating to a Sea-Wall in the City and County of San Francisco—was taken up, and the usual number of copies ordered printed.

Mr. Denver, on his own motion, was excused from serving on the Committee on Enrolled Bills.

Mr. Watkins, on his own motion, was also excused from serving on said committee.

#### SPECIAL ORDER.

The Union Resolutions being first in order, were taken up, and made the special order for Tuesday, April second, eighteen hundred and sixty-one, at twelve o'clock, M.

The Broderick Expunging Resolutions being next in order, were taken up, and made the special order for Tuesday next, April second, eighteen hundred and sixty-one, at twelve o'clock, M.

The Concurrent Resolution offered by Mr. Logan, Relative to the election of a United States Senator, being the next special order, was taken up, and made the special order of the day for to-morrow, March twenty-seventh, at half-past eleven o'clock, A. M.

On motion of Mr. Gallagher, Senate Bill, No. 231, introduced by himself, on yesterday, and placed on file—was taken up, and referred to the Calaveras Delegation.

#### GENERAL FILE.

Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their associates, to lay down Gas-Pipes in the City and County of San Francisco—was taken up, and rereferred to the San Francisco Delegation.

Senate Bill, No. 208—was taken up and returned to foot of the file.

Senate Bill, No. 209, An Act in amendment of An Act concerning the

office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four—was considered in Committee of the Whole.

IN SENATE.

Reported back, without amendments, rules suspended, bill considered engrossed, read a third time and passed.

On motion the Secretary was directed to insert an enacting clause in the bill.

Senate Bill, No. 207—was taken up, and returned to the foot of the file.

Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe Three Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto—was taken up, considered in Committee of the Whole, and amendments reported by the Committee adopted.

IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill, No. 231, An Act for the payment of the Claims of I. & S. Wormser, Assignees, etc.—was taken up and considered in Committee of the Whole.

IN SENATE.

Reported back, without amendments.

Mr. Parks moved to amend by striking out all that portion of the bill that provided for the payment for Services performed by Sumner and others in reporting.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Merritt, and Rhodes, and taken with the following result: Ayes, 9—noes, 15:

AYES—Messrs. De Long, Denver, Franklin, Gallagher, Harvey, Logan, Parks, Phelps, and Rhodes, 9.

NOES—Messrs. Clark, De la-Guerra, Dickinson, Eagan, Haynes, Irwin, Pico, Ryan, Sharp, Vance, Warmcastle, Watkins, Watson, Watt, and Williamson—15.

So the motion was lost.

The bill was then read a third time and passed.

Senate Bill, No. 97—was taken up, and on motion of Mr. Watson, made the special order of the day for to-morrow at twelve o'clock, m.

Senate Bill, No. 236, An Act to appropriate Money to pay the Claim of William Bofer & Co.—was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. De Long, by leave, offered a Concurrent Resolution, Relative to a Joint Convention on the twenty-eighth instant, to elect a Boundary Commissioner.

Adopted, and the Secretary directed to report the same to the Assembly forthwith.

Mr. Sharp, by leave introduced a bill for An Act to authorize the Executors of David C. Broderick, deceased, to sell and convey certain Real Estate.

Read first and second times, and referred to the Judiciary Committee.

Mr. Shafter made the following report :

Mr. PRESIDENT:—The Committee on Enrolled Bills report that they have examined Senate Bills, Nos. 56, 98, and 197, and found the same correctly enrolled, and on this day, at one o'clock, P. M. delivered the same to his Excellency the Governor, for his approval.

SHAFTER,

Report accepted.

For Committee.

On motion of Mr. Watson, Senate Bill, No. 239, An Act to amend an Act passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill referred to the Committee on Agriculture and the Senator from Santa Cruz.

On motion of Mr. Clark, the Senate took a recess until two o'clock, P. M.

Senate reassembled at two o'clock, P. M.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Dickinson, the Senate, preceded by its officers, proceeded to meet the Assembly in Joint Convention pursuant to adjournment.

#### IN JOINT CONVENTION.

The Joint Convention met pursuant to adjournment.

Hon. Pablo De la Guerra, President of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Hill and Clarke.

House roll called.

Absent—Mr. Briggs.

Journal of preceding convention read and approved.

Mr. Blair withdrew the name of Dr. Spencer.

#### RESIDENT PHYSICIAN—TWELFTH BALLOT.

The Secretary under the direction of the President then called the roll for the twelfth ballot for a Resident Physician for the State Insane Asylum, with the following result:

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Burbank .....	.....	1	.....	.....	.....
Chase .....	.....	1	.....	.....	.....
Crittenden .....	1	.....	.....	.....	.....
De la Guerra .....	1	.....	.....	.....	.....
De Long .....	.....	1	.....	.....	.....
Denver .....	.....	.....	1	.....	.....
Dickinson .....	.....	.....	1	.....	.....
Eagan .....	1	.....	.....	.....	.....
Edgerton .....	1	.....	.....	.....	.....



NAMES.	Ayette...	Tilden...	Thomas...	Ellis.....	Spencer...
Franklin .....	1				
Gallagher .....	1				
Harvey .....		1			
Haynes .....		1			
Irwin .....		1			
Leet .....			1		
Logan .....	1				
Parks .....			1		
Phelps .....		1			
Pico .....	1				
Rhodes .....		1			
Ryan .....		1			
Shafter .....					1
Sharp .....		1			
Vance .....	1				
Warmcastle .....	1				
Watson .....	1				
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx.....	1				
Avery .....		1			
Baechtel .....			1		
Banks .....		1			
Bradley .....	1				
Briggs .....			1		
Burnell .....		1			
Buell .....			1		
Chandler .....			1		
Cherry .....		1			
Childs .....	1				
Clark .....					1
Coloman .....			1		
Coltrin .....		1			
Conness .....		1			
Councilman .....		1			
Covarrubias .....	1				
Crocker .....			1		
Curtis .....	1				
Dougherty .....		1			
Durst .....		1			
Eastman .....		1			
Fargo .....	1				
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Green .....		1			
Gregory .....	1				

NAMES.	Ayotte...	Tilden...	Thomas...	Ellis.....	Spencer...
Hagans .....			1		
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Kurtz .....	1				
Lalor .....	1				
Laspeyre .....	1				
Lippincott .....		1			
Magruder .....			1		
Miller .....			1		
Montgomery .....	1				
Morgan .....					1
Morrison .....	1				
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....			1		
Porter .....			1		
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith, of Tulare .....			1		
Smith, of Placer .....			1		
Spence .....		1			
Stearns .....		1			
Tilton .....					1
Tittel .....		1			
Walden .....			1		
Walter .....		1			
White .....			1		
Wood, of Plumas .....			1		
Wood of Yolo .....	1				
Wright .....		1			

Messrs. Thomas and Merritt paired off.

Messrs. Heacock and Thornton paired off.

Those who voted for Mr. Gibbons were—

Messrs. Flanders and Willey.

Mr. Blair voted for Mr. Canfield.

Whole number of votes cast, one hundred and two.  
Necessary to a choice, fifty-two.

Mr. Tilden received thirty-four votes.

Mr. Aylette received thirty-seven votes.

Mr. Thomas received twenty-four votes.

Mr. Spencer received four votes.

Mr. Gibbons received two votes.

Mr. Canfield received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—THIRTEENTH BALLOT.

The Secretary called the roll for the thirteenth ballot, with the following result :

NAMES.	Ayette...	Tilden...	Thomas...	Kille.....	Spencer...
Burbank .....	.....	1	.....	.....	.....
Chase .....	.....	1	.....	.....	.....
Crittenden .....	1	.....	.....	.....	.....
De la Guerra.....	1	.....	.....	.....	.....
DeLong .....	.....	1	.....	.....	.....
Denver.....	.....	.....	1	.....	.....
Dickinson .....	.....	.....	1	.....	.....
Eagan .....	1	.....	.....	.....	.....
Edgerton .....	1	.....	.....	.....	.....
Franklin.....	1	.....	.....	.....	.....
Gallagher .....	1	.....	.....	.....	.....
Harvey .....	.....	1	.....	.....	.....
Haynes .....	.....	1	.....	.....	.....
Irwin .....	.....	1	.....	.....	.....
Leet .....	.....	.....	1	.....	.....
Logan .....	1	.....	.....	.....	.....
Phelps.....	.....	1	.....	.....	.....
Pico .....	1	.....	.....	.....	.....
Rhodes.....	.....	1	.....	.....	.....
Ryan .....	.....	1	.....	.....	.....
Shafter .....	1	.....	.....	.....	.....
Sharp .....	.....	1	.....	.....	.....
Thornton.....	1	.....	.....	.....	.....
Vance .....	1	.....	.....	.....	.....
Warmcastle.....	1	.....	.....	.....	.....
Watson .....	1	.....	.....	.....	.....
Watt .....	1	.....	.....	.....	.....
Williamson.....	1	.....	.....	.....	.....
Adams .....	.....	1	.....	.....	.....
Amyx.....	1	.....	.....	.....	.....
Avery .....	.....	1	.....	.....	.....
Baechtel .....	.....	.....	1	.....	.....

NAMES.	Ayllette ...	Tilden ....	Thomas...	Kelle .....	Spencer...
Banks .....		1			
Bradley .....	1				
Briggs.....			1		
Burnell .....		1			
Buell .....			1		
Chandler.....			1		
Cherry .....		1			
Childs.....	1				
Clark.....					1
Coleman .....			1		
Coltrin .....		1			
Conness .....		1			
Councilman.....		1			
Covarrubias .....	1				
Crocker .....		1			
Curtis.....	1				
Doughterty.....		1			
Durst ...		1			
Eastman .....		1			
Fargo .....		1			
Flanders .....		1			
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Green .....		1			
Gregory.....	1				
Hagans .....			1		
Hanson .....	1				
Harriman .....			1		
Harris .....	1				
Harrison .....			1		
Haun .....	1				
Henderson .....		1			
Hill.....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Kurtz.....	1				
Lalor .....	1				
Laspeyre .....	1				
Lippincott.....		1			
Magruder .....			1		
Miller .....			1		
Montgomery.....	1				
Morgan .....		1			
Morrison .....	1				

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Munday .....			1		
O'Brien .....		1			
Patrick .....	1				
Piercy .....			1		
Porter .....			1		
Powell .....		1			
Scott .....	1				
Showalter .....	1				
Smith of Tulare .....			1		
Smith of Placer .....			1		
Spence .....			1		
Stearns .....		1			
Tilton .....					1
Tittel .....		1			
Walden....			1		
Walter .....		1			
White .....	1				
Willey .....		1			
Wood of Plumas .....			1		
Wood of Yolo..	1				
Wright .....		1			

Mr. Blair voted for Mr. Canfield.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr. Tilden received thirty-eight votes.

Mr. Aylette received thirty-nine votes.

Mr. Thomas received twenty-two votes.

Mr. Spencer received two votes.

Mr. Canfield received one vote.

There being no election, no one having received a majority of all the votes cast—

#### FOR RESIDENT PHYSICIAN—FOURTEENTH BALLOT.

The Secretary called the roll for the fourteenth ballot, with the following result:

NAMES. .	Aylette ...	Tilden ...	Thomas...	Ellis .....	Spencer...
Burbank .....		1			
Chase .....		1			
Crittenden .....	1				
DeLong .....		1			
Denver .....			1		

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....	Spencer...
Dickinson .....			1		
Eagan .....	1				
Edgerton .....	1				
Franklin .....	1				
Gallagher .....	1				
Harvey .....		1			
Haynes .....	1				
Irwin .....		1			
Leet .....			1		
Logan .....	1				
Merritt .....	1				
Phelps.....		1			
Pico .....	1				
Rhodes .....		1			
Ryan .....		1			
Shafter .....	1				
Sharp .....		1			
Thornton.....	1				
Vance .....	1				
Warmcastle .....	1				
Watson .....	1				
Watt .....	1				
Williamson .....	1				
Adams .....		1			
Amyx .....	1				
Avery .....		1			
Baechtel .....			1		
Banks.....		1			
Bradley .....	1				
Briggs .....			1		
Burnell.....		1			
Buell.....			1		
Chandler.....			1		
Cherry .....		1			
Childs .....	1				
Clarke .....					1
Coleman.....			1		
Coltrin .....		1			
Conness .....		1			
Councilman.....		1			
Covarrubias.....	1				
Crocker .....		1			
Curtis.....	1				
Dougherty .....		1			
Durst.....		1			
Eastman.....		1			
Fargo .....		1			
Flanders .....		1			

NAMES.	Ayette....	Tilden....	Thomas...	Ellis .....	Spencer...
Ford .....		1			
Foster .....			1		
Gillette .....	1				
Green .....		1			
Gregory .....	1				
Hagans .....	1				
Hanson .....	1				
Harriman.....			1		
Harris.....	1				
Harrison.....			1		
Haun.....	1				
Henderson .....		1			
Hill .....		1			
Holman .....	1				
Horrell .....	1				
Hunter .....		1			
Johnson .....	1				
Kungle .....	1				
Kurtz .....	1				
Lalor.. .....	1				
Laspeyre .....	1				
Lippincott .....		1			
Magruder .....			1		
Montgomery .....	1				
Morgan.....		1			
Morrison.....	1				
Munday .....			1		
O'Brien.....		1			
Patrick .....	1				
Piercy .....			1		
Porter .....			1		
Powell.....		1			
Scott.. .....	1				
Showalter.....	1				
Smith of Tulare.....			1		
Smith of Placer.....			1		
Spence .....		1			
Stearns.....		1			
Tilton .....		1			
Tittel .....		1			
Walden.....			1		
Walter .....		1			
White .....	1				
Willey.....		1			
Wood of Plumas.....			1		
Wood of Yolo.....	1				
Wright.....		1			

Whole number of votes cast, one hundred.

Necessary to a choice, fifty-one.

Mr. Tilden received thirty-nine votes.

Mr. Aylette received forty-one votes.

Mr. Thomas received nineteen votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—FIFTEENTH BALLOT.

The Secretary called the roll for the fifteenth ballot, with the following result :

NAMES.	Ayette....	Tilden ...	Thomas...	Ellis .....
Burbank .....	.....	1	.....	.....
Chase.....	.....	1	.....	.....
Crittenden. ....	1	.....	.....	.....
Denver .....	.....	.....	1	.....
Dickinson .....	1	.....	.....	.....
Eagan.....	1	.....	.....	.....
Edgerton .....	1	.....	.....	.....
Franklin .....	1	.....	.....	.....
Gallagher.....	1	.....	.....	.....
Harvey .....	.....	1	.....	.....
Haynes.....	1	.....	.....	.....
Irwin .....	.....	1	.....	.....
Leet.....	.....	.....	1	.....
Logan.....	1	.....	.....	.....
Merritt .....	1	.....	.....	.....
Phelps.....	.....	1	.....	.....
Pico .....	1	.....	.....	.....
Rhodes .....	.....	1	.....	.....
Ryan.....	.....	1	.....	.....
Shafter .....	1	.....	.....	.....
Sharp.....	.....	1	.....	.....
Thornton .....	1	.....	.....	.....
Vance .....	1	.....	.....	.....
Warmcastle .....	1	.....	.....	.....
Watson .....	1	.....	.....	.....
Watt.....	1	.....	.....	.....
Williamson .....	1	.....	.....	.....
Adams.....	.....	1	.....	.....
Amyx .....	1	.....	.....	.....
Avery .....	.....	1	.....	.....
Baechtel .....	.....	.....	1	.....
Banks .....	.....	1	.....	.....
Bradley .....	1	.....	.....	.....
Briggs .....	.....	.....	1	.....
Burnell .....	.....	1	.....	.....



NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....
Buell.....		1		
Chandler .....			1	
Cherry.....		1		
Childs .....	1			
Coleman .....			1	
Coltrin.....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Dougherty.....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford.....		1		
Foster.....			1	
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hagans.....	1			
Hanson .....	1			
Harriman .....			1	
Harris.....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			
Horrell.....		1		
Hunter.....		1		
Johnson.....	1			
Kungle .....	1			
Kurtz.....	1			
Lalor.....	1			
Laspeyre.....	1			
Lippincott .....		1		
Magruder .....			1	
Montgomery.....	1			
Morgan .....		1		
Morrison.....	1			
Munday.....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy .....			1	
Porter.....			1	
Powell.....		1		

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....
Scott .....	1			
Smith of Tulare .....		1		
Smith of Placer ... ..			1	
Spence ....		1		
Stearns .....		1		
Tilden .....			1	
Tilton .....		1		
Tittel .....		1		
Walden .....			1	
Walter .....		1		
White .....	1			
Willey ..		1		
Wood of Plumas .....			1	
Wood of Yolo .....	1			
Wright .....		1		

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Tilden received forty votes.

Mr. Aylette received forty votes.

Mr. Thomas received eighteen votes.

There being no election, no one having received a majority of all the votes cast—

#### FOR RESIDENT PHYSICIAN—SIXTEENTH BALLOT.

The Secretary then called the roll for the sixteenth ballot, with the following result:

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....
Burbank .....		1		
Chase .....		1		
Crittenden .....	1			
Denver .....			1	
Dickinson .....	1			
Eagan .....	1			
Edgerton .....	1			
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Irwin .....		1		
Leet .....			1	

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Logan .....	1			
Merritt .....	1			
Phelps .....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Shafter .....	1			
Sharp .....		1		
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery.....		1		
Baechtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs .....			1	
Burnell .....		1		
Buell .....		1		
Chandler .....			1	
Cherry .....		1		
Childs.....	1			
Coleman ..			1	
Coltrin .....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker.....			1	
Curtis .....	1			
Denniston .....		1		
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster .....			1	
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hagans ..	1			
Hanson .....	1			
Harriman .....			1	

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			
Horrell .....	1			
Hunter.....		1		
Johnson .....	1			
Kungle .....	1			
Kurtz .....	1			
Lalor .....	1			
Laspeyre .....	1			
Lippincott ....	1			
Magruder ..			1	
Miller .....			1	
Montgomery.....	1			
Morgan .....		1		
Morrison .....	1			
Munday.....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy .....			1	
Porter.....			1	
Powell .....		1		
Scott .....	1			
Smith of Tulare .....		1		
Smith of Placer .....			1	
Sorrel .....	1			
Spence .....		1		
Stearns.....		1		
Tilden .....	1			
Tilton .....		1		
Tittel .....		1		
Walden .....			1	
Walter .....		1		
White .....	1			
Willey .....		1		
Wood of Plumas.....			1	
Wood of Yolo .....	1			
Wright .....		1		

Whole number of votes cast, one hundred and two.  
Necessary to a choice, fifty-two.

Mr. Tilden received forty-one votes.

Mr. Ayette received forty-three votes.

Mr. Thomas received eighteen votes.

There being no election—no one having received a majority of all the votes cast—

Mr. Councilman of the Assembly offered the following resolution :

*Resolved*, That this convention do not adjourn until a Resident Physician of the Insane Asylum shall have been elected.

Laid on the table.

RESIDENT PHYSICIAN—SEVENTEENTH BALLOT.

The Secretary under the direction of the President then called the roll for the seventeenth ballot for a Resident Physician for the State Insane Asylum, with the following result :

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....
Burbank .....		1		
Chase ... ..		1		
Crittenden .....	1			
Denver .....			1	
Dickinson .....	1			
Eagan .....	1			
Edgerton .....	1			
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Phelps ....		1		
Rhodes .....		1		
Ryan .....		1		
Shafter .....	1			
Sharp .....		1		
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson ... ..	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs .....			1	
Burnell .....		1		
Chandler .....			1	
Cherry .....		1		
Childs .....	1			

NAMES.	Ayllette ...	Tilden ....	Thomas...	Ellis.....
Clark .....		1		
Coleman .....			1	
Coltrin .....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Denniston .....		1		
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster .....			1	
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hagans .....			1	
Hanson .....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....			1	
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....	1			
Kurtz .....			1	
Lalor .....	1			
Laspeyre .....	1			
Lippincott .....		1		
Magruder .....			1	
Miller .....			1	
Montgomery .....	1			
Morgan .....		1		
Morrison .....	1			
Munday .....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy .....			1	
Porter .....			1	
Powell .....		1		
Scott .....	1			

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Smith, of Tulare .....		1		
Smith, of Placer .....			1	
Sorrel .....	1			
Spence .....		1		
Tilden .....			1	
Tilton .....		1		
Tittel .....		1		
Walden .....			1	
Walter .....		1		
White .....	1			
Willey .....		1		
Wood, of Plumas .....			1	
Wood of Yolo .....	1			
Wright .....		1		

Mr Buell voted for Mr. Powell.

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Tilden received forty votes.

Mr. Ayette received thirty-nine votes.

Mr. Thomas received twenty-one votes.

Mr. Powell received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Showalter of the House moved that the convention adjourn to meet to-morrow, March twenty-seventh, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. White and Spence of the House, and Watson of the Senate, and taken with the following result: Ayes, 43—noes, 57:

**AYES**—Messrs. Crittenden, Denver, Eagan, Franklin, Gallagher, Logan, Merritt, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Childs, Coleman, Covarrubias, Crocker, Curtis, Foster, Gillette, Hanson, Harris, Haun, Holman, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Morrison, Munday, Patrick, Ross, Scott, Showalter, Tilton, Walden, White, and Wood of Yolo—43.

**NOES**—Messrs. Burbank, Chase, Dickinson, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Phelps, Rhodes, Byan, Shafter, Sharp, Adams, Avery, Baechtel, Banks, Briggs, Burnell, Buell, Cherry, Clarke, Coltrin, Conness, Councilman, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Hagans, Harriman, Harrison, Henderson, Hill, Horrell, Hunter, Magruder, Miller, Montgomery, Morgan, O'Brien, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tittel, Walter, Willey, and Wood of Plumas—57.

So the motion was lost, and the convention refused to adjourn.

## FOR RESIDENT PHYSICIAN—EIGHTEENTH BALLOT.

The Secretary called the roll for the eighteenth ballot, with the following result :

NAMES.	Ayette...	Tilden....	Thomas...	Ellis.....
Burbank .....		1		
Chase .....		1		
Crittenden .....	1			
Denver.....			1	
Dickinson .....			1	
Eagan .....	1			
Edgerton .....	1			
Franklin.....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Phelps.....		1		
Rhodes.....		1		
Ryan .....		1		
Shafter .....	1			
Sharp .....		1		
Thornton.....	1			
Vance.....	1			
Warmcastle.....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Adams .....		1		
Amyx.....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs.....		1		
Burnell .....		1		
Chandler .....	1			
Cherry .....		1		
Childs.....	1			
Clark.....		1		
Coleman .....	1			
Coltrin .....		1		
Conness .....		1		
Councilman.....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis.....	1			



NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Denniston .....		1		
Doughterty.....		1		
Durst ... ..		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster .....			1	
Gillette .....	1			
Green .....		1		
Gregory.....	1			
Hagans .....			1	
Hanson . .....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun.....	1			
Henderson .....		1		
Hill.....		1		
Holman .....	1			
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kangle .....	1			
Kurtz.....	1			
Lalor .....	1			
Laspeyre .....	1			
Lippincott.....		1		
Magruder .....			1	
Miller .....			1	
Montgomery .....	1			
Morrison .....	1			
Munday .....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy ..			1	
Porter .....			1	
Powell .....		1		
Scott .....	1			
Smith of Tulare .....			1	
Smith of Placer.....			1	
Sorrel .....	1			
Spence .....			1	
Tilden .....			1	
Tilton .....		1		
Tittel .....		1		
Walden....			1	
Walter .....		1		

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....
White .....	1	.....	.....	.....
Willey .....	.....	.....	1	.....
Wood of Plumas .....	.....	.....	1	.....
Wood of Yolo.. .....	1	.....	.....	.....

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Tilden received thirty-seven votes.

Mr. Aylette received forty-one votes.

Mr. Thomas received twenty votes.

There being no election, no one having received a majority of all the votes cast—

On motion of Mr. De Long, of the Senate, the Convention adjourned to meet to-morrow, March twenty-seventh, at two o'clock, P. M.

Whereupon, the Senate returned to their own Chamber.

#### IN SENATE.

President in the Chair.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Wednesday, March 27th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday was read and approved.

The Chair announced to the Senate the appointment of Messrs. Thomas and Heacock as members of the Senate Enrolling Committee, in place of Messrs. Denver and Watkins, excused from serving on the said committee on yesterday.

Mr. Shafter, for the Enrolling Committee, notified the Senate of the election of Mr. Thomas as Chairman of said committee.

#### REPORTS.

Mr. Franklin made the following report :

Mr. PRESIDENT :—The Tuolumne Delegation, to whom was referred Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of

the Court of Sessions, Jurors, and Inspectors, Judges, and Clerks, of Elections, in Tuolumne County—have had the same under consideration and report it back without amendment and recommend its passage.

FRANKLIN,  
For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. Sharp made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate Bill, No. 243, An Act to authorize the Executors of David C. Broderick, deceased, to sell and convey Real Estate—having had the same under consideration report the same back with the following amendments :

Strike out all after the enacting clause and insert as follows :

SECTION 1. The Executor of the estate of David C. Broderick, deceased, are hereby authorized and empowered to sell at public or private sale all the real estate owned or claimed by said David C. Broderick, deceased, at the time of his death as in their judgment shall best promote the interest of the said estate.

SEC. 2. The Executors shall make a full report of any sale or sales made by virtue of the powers herein granted to the Probate Court of the county of San Francisco, and the Judge of said court shall either in term time, or vacation in open court, or in chambers, examine the same and confirm or set aside the said sale or sales as he may deem just and proper for the interest of said estate.

SEC. 3. After the approval or confirmation of the sale or sales by the Probate Court, the Executors shall convey to the purchaser or purchasers the property so sold and receive the purchase money therefor, and the titles so conveyed shall be as valid as if made under an order of the proper Probate Court in due course of law, and recommend the passage of the same as amended.

SHARP,  
Chairman.

Report received, and with bill placed on file.

Mr. Sharp also made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration report as follows :

Senate Bill, No. 23, An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—report the same back with the following amendments :

Add SEC. 4. Section five hundred and forty of said act is amended so as to read as follows :

Sec. 540. The summons shall be addressed to the defendant by name, or if his name be unknown, by a fictitious name, and shall summon him to appear before the Justice at his office, naming its township, or city, and at a time specified therein to answer the complaint of his plaintiff for a cause of action therein described in general terms sufficient to apprise the defendant of the nature of the claim against him, and in an action for money, or damages, shall state the amount for which the plaintiff will take judgment, if the defendant fail to appear and answer it shall be subscribed

by the Justice before whom it is returnable, and shall with other process subscribed by him be delivered to the Constable of his township or district for services.

SEC. 5. Section six hundred and thirteen of said act is hereby amended so as to read as follows:

Sec. 613. Whenever from any cause the Constable of any township, or district, cannot, or will not, serve the process issued to him by the Justice of said township or district, said Justice may deliver such process to any other Constable of the county, or to the Sheriff of said county; and in default of such officer seasonably to be had said Justice on being satisfied that it is expedient may specially depute any discreet person of suitable age and not interested in the action, to serve any process. Such deputa-  
tion shall be in writing on the process.

SEC. 6. Whenever in any action commenced in a Justice's Court, service of the summons shall be ordered to be made by publication, the time for the appearance of the defendant shall be upon a day to be mentioned on the summons, and shall be distant from the date of the summons not less than ten days nor more than forty days in addition to time equal to that prescribed for the publication—

And recommend its passage as amended.

Also, Senate Bill, No. 131, An Act concerning District Court Reporters for the Fourth, Sixth, and Twelfth, Districts—report the same back with the following amendments:

Strike out all after the enacting clause and insert as follows:

SECTION 1. The District Judge of each Judicial District is hereby authorized to employ a competent short-hand Reporter who shall, at the request of either party in a case, or of the court, take down in short-hand the rulings of the court, the exceptions taken, and so much of the testimony as may be desired by either party or the court; and shall within five days after the trial of such cause, write out the same in plain legible long handwriting with the original short-handwriting with the Clerk of the court in which the cause was tried.

SEC. 2. Such report written out in long-handwriting as aforesaid, shall be deemed *prima facie* a correct statement of the evidence and proceedings therein contained.

SEC. 3. Such Reporter shall receive such compensation for his services as may be agreed upon between the said Reporter and the parties, or counsel, in the cause, and in case of failure to agree between the said parties then the amount may be fixed by the court; *provided*, that when so fixed it shall not exceed fifteen dollars per day, which amount shall be taxed up by the Clerk of the court as costs against the party against whom judgment is rendered; *provided*, that in criminal cases, or capital offenses, when the testimony has been taken down by order of the court the compensation of the Reporter shall be fixed by the court, and paid out of the treasury of the county in which the cause is tried, in the same manner as the fees of trial jurors are paid in such cases—

And recommend its passage as amended;

Also, Senate Bill, No. 210, An Act in relation to the Probate Court in the City and County of San Francisco—and recommend its indefinite postponement;

Also, Senate Bill, No. 211, An Act supplementary to an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—and recommend its indefinite postponement;

Also, Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift

Enterprises, and other schemes of like character—report the same back with the following amendments:

Section fifteen, line six, strike out the word “and,” and insert in lieu the word “or.” Line six, strike out all after the word “not,” and insert in lieu the words “exceeding five hundred dollars.”

Section sixteen, line seven, strike out the word “and,” and insert in lieu the word “or.” Line eight, strike out the word “six,” and insert in lieu the word “one”—and recommend its passage as amended;

Also, Senate Bill, No. 232, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and amended May eighteenth, eighteen hundred and fifty-three—and recommend its indefinite postponement;

Also, Assembly Bill, No. 310, An Act to amend An Act fixing the time when General Laws shall take effect—and recommend its indefinite postponement;

Also, Senate Bill, No. 228, An Act amendatory of, and supplementary to, an Act entitled An Act to give to the proceedings of the Courts of Probate the same effect as Courts of General Jurisdiction, passed March twenty-seventh, eighteen hundred and fifty-eight—and recommend its indefinite postponement;

Also, Senate Bill, No. 215, An Act in relation to Bills of Exchange and and other negotiable instruments—report the same back with the following amendments:

Section one, line twelve, strike out all after the word “aforesaid”—and recommend its passage as amended;

Also, Assembly Bill, No. 61, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back with the following amendments:

Section one, strike out all after the word “hereby,” and insert the word “repealed”—and recommend its passage as amended;

Also, Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—report the same back and recommend its passage;

Also, Senate Bill, No. 205, An Act amendatory of, and supplemental to, an Act, passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—report the same back and recommend its passage;

Also, Senate Bill, No. 16, An Act creating the Eighteenth Judicial District of this State and providing for the holding of Courts therein—and recommend its indefinite postponement;

Also, Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego and to define their duties, approved May third, eighteen hundred and fifty-two—report the same back with the following amendments:

Section two, line thirty-seven, after the word “require,” insert the words “a majority of all the members of.” Line forty-nine, after the word “approved,” insert the words “by a majority of all the Supervisors of said County”—and recommend its passage as amended.

SOL. A. SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills have examined Senate Bill, No. 204, An Act amendatory of, and supplemental to, an Act entitled An Act of April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases ;

Also, Senate Bill, No. 49, An Act to provide for the better observance of the Sabbath and to secure a day of rest from secular pursuits ;

Also, Senate Bill, No. 229, An Act to change the name of Daniel McDonough to that of James Henry Warwick—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Ryan made the following report :

Mr. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate Bills, Nos. 40 and 44, respectfully report the said Bill, No. 40, with certain amendments and recommend its passage ; and as a substitute for Bill, No. 44, they report two bills and recommend their passage.

JAS. T. RYAN,  
Chairman.

Report received, and with bills placed on file.

Mr. Leet made the following report :

Mr. PRESIDENT :—Your Committee, to whom was referred Senate Concurrent Resolution, No. 24—ask leave to report the same back with the recommendation that it do not pass, for the reason that there is not now in the State Library a complete set of Journals and Appendixes of the Legislature of the State of California.

LEET,  
Chairman of Library Committee.

Report received, and with resolution, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT :—Your Committee on Engrossed Bills have examined Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe Three Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same and other matters relating thereto—and find the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Thomas made the following report :

Mr. PRESIDENT :—The Committee on Elections, to whom was referred Senate Bill, No. 78, An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five ;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty—beg leave to report that they have had the same under consideration and they report the same back and recommend that they be passed without amendment.

PHILIP W. THOMAS,  
Chairman of Committee.

Report received, and with bills, placed on file.

Mr. Pico made the following report :

Mr. PRESIDENT :—The delegation, to whom was referred Assembly Bill, No. 180, An Act to extend the term of Office and define the duties and powers in certain cases and establish the Salaries of the Board of Supervisors of San Bernardino County—have had the same under consideration and report it back without amendments and recommend its passage.

ANDRES PICO.

Report received, and with bill, placed on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 27th, 1861. }

Mr. PRESIDENT :—The House passed Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco ;

Also, on the twenty-third instant, Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one ;

Also, on the twenty-sixth instant, Senate Bill, No. 61, An Act concerning Officers ;

Also, concurred in Senate Concurrent Resolution, No. 27, Relative to a Joint Convention for electing a Boundary Commissioner ;

Also, passed Assembly Bill, No. 333, An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco, with an amendment ;

Also, have this day passed Senate Bill, No. 104, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 157, above reported—was read first and second times, and made the special order of the day for Tuesday next at twelve o'clock, M.

Assembly Bill, No. 314, above reported—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 333, above reported—was read first and second times, and referred to the Nevada Delegation.

Senate Bill, No. 132, above reported—was considered, and Assembly amendments thereto concurred in.

#### INTRODUCTION OF BILLS.

By Parks, by leave, introduced a bill for An Act providing for the revision of the General Laws of this State.

Read first and second times, and referred to the Judiciary Committee.

Mr. Heacock, by leave, introduced a bill for An Act for the relief of the Clerk of the Board of Supervisors of Sacramento County.

Read first and second times, and referred to the Sacramento Delegation.

Mr. Logan, by leave, introduced a bill for An Act to confirm the Sales

made by the State Board of Land Commissioners to Land sold by them in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Public Lands.

Mr. Sharp, by leave, introduced a bill for An Act to authorize Mariah O'Conner, Administratrix of the estate of Michael O'Conner, deceased, to sell and convey Real Estate.

Read first and second times, and referred to the Judiciary Committee.

#### SPECIAL ORDERS.

The first special order being the Concurrent Resolution offered by Mr. Logan, Relative to the election of a United States Senator on the twentieth of March—was taken up, and made the special order of the day for to-morrow at one o'clock, P. M.

Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco—being the next special order, was taken up.

Mr. Shafter moved to make the bill, together with all bills now before the Senate relative to Railroads in San Francisco, the special order for Wednesday next.

Upon which, the ayes and noes were demanded by Messrs. Merritt, De Long, and Logan, and taken with the following result: Ayes, 15—noes, 15:

AYES—Messrs. Burbank, Clark, Dickinson, Gallagher, Harvey, Haynes, Heacock, Merritt, Phelps, Pico, Rhodes, Shafter, Thornton, Warmcastle, and Williamson—15.

NOES—Messrs. Chase, De Long, Denver, Eagan, Hill, Irwin, Leet, Logan, Ryan, Sharp, Thomas, Vance, Watkins, Watson, and Watt—15.

So the motion was lost.

Mr. Phelps then moved to make the bill, together with all other bills now before the Senate relative to Railroads in the City and County of San Francisco, the special order of the day for Tuesday next, April second, eighteen hundred and sixty-one, at twelve o'clock, M.

Upon which, the ayes and noes were demanded by Messrs. De Long, Merritt, and Ryan, and taken with the following result; Ayes, 18—noes, 12.

AYES—Messrs. Burbank, De Long, Dickinson, Franklin, Gallagher, Harvey, Haynes, Heacock, Merritt, Phelps, Pico, Rhodes, Shafter, Thornton, Vance, Warmcastle, Watt, and Williamson—18.

NOES—Messrs. Chase, Denver, Eagan, Hill, Irwin, Leet, Logan, Ryan, Sharp, Thomas, Watkins, and Watt—12.

So the motion prevailed.

Mr. De Long gave notice that he would on to-morrow move a reconsideration of the vote just taken.

Mr. Merritt in the Chair.

Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell insurrection in the year eighteen hundred and fifty-six—being the next special order, was taken up.

Mr. De Long moved to make the bill the special order for Tuesday next at twelve o'clock, M.

Lost.

On motion of Mr. Leet, the bill was made the special order for Wednesday next, April third, eighteen hundred and sixty-one, at twelve o'clock, M.



Mr. Eagan moved that a committee of three be appointed to ascertain the actual amount due the troops, etc.

Agreed to.

The Chair appointed as such committee, Messrs. Eagan, Phelps, and Parks.

Mr. Burbank offered a resolution relative to going into Joint Convention on Thursday, March twenty-eighth, eighteen hundred and sixty-one, at twelve o'clock, M. for the purpose of electing a United States Senator.

Mr. Leet moved to lay on the table.

Upon which, the ayes and noes were demanded by Messrs. Thomas, Heacock, and Ryan, and taken with the following result: Ayes, 11—noes, 20:

AYES—Messrs. Denver, Eagan, Franklin, Gallagher, Leet, Logan, Merritt, Pico, Shafter, Thornton, and Warmcastle—11.

NOES—Messrs. Burbank, Chase, Clark, De Long, De la Guerra, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Sharp, Thomas, Vance, Watkins, Watson, Watt, and Williamson—20.

So the motion was lost.

Mr. Parks moved to amend by striking out "Thursday, March twenty-eighth," and inserting "Friday, March twenty-ninth."

Agreed to, and the resolution adopted as amended.

Mr. Phelps, Chairman of the Committee on Agriculture, by leave, made a verbal report recommending the passage of Senate Bill, No. 239, An Act to amend an Act, passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos.

Report received, and bill considered, rules suspended, and bill considered engrossed, read a third time, and passed.

Mr. Eagan, by leave, introduced a bill for An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year.

Read first and second times, and referred to the Finance Committee.

On motion of Mr. Phelps, the Senate took a recess until two o'clock, P. M.

#### IN SENATE.

At two o'clock, P. M. the Senate reassembled.

President in the Chair.

On motion of Mr. Dickinson, the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention pursuant to adjournment.

#### IN JOINT CONVENTION.

The convention met pursuant to adjournment.

Hon. Pablo De la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Watkins and Edgerton.

House roll called.

Absent—Messrs. Campbell and Denniston.

Minutes of preceding convention read and approved.

Mr. Rhodes was excused from serving as one of the Tellers on account of sickness.

Whereupon, the President appointed Mr. Thornton to fill the vacancy.

#### FOR RESIDENT PHYSICIAN—NINETEENTH BALLOT.

The Secretary called the roll for the nineteenth ballot, with the following result:

30SEN

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....
Burbank .....		1		
Chase .....		1		
Clark .....		1		
Crittenden .....	1			
DeLong .....		1		
Denver .....			1	
Dickinson .....			1	
Eagan .....	1			
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Hill .....		1		
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Phelps .....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell .....		1		
Chandler .....			1	
Cherry .....		1		
Childs .....	1			
Clarke .....		1		
Coleman .....	1			
Coltrin .....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		

NAMES.	Aylette....	Tilden....	Thomas...	Ellis .....
Curtis.....	1			
Dougherty .....		1		
Durst.....		1		
Eastman.....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster.....			1	
Gillette.....	1			
Green .....		1		
Gregory .....	1			
Hagans .....			1	
Hanson .....	1			
Harriman.....			1	
Harris.....	1			
Harrison.....			1	
Haun.....	1			
Henderson .....		1		
Holman .....	1			
Horrell .....	1			
Hunter.....		1		
Johnson .....	1			
Kungle .....	1			
Lalor.. .....	1			
Laspeyre .....	1			
Lippincott .....		1		
Magruder .....			1	
Miller .....			1	
Montgomery .....	1			
Morgan.....		1		
Morrison.....	1			
Munday .....			1	
O'Brien.....		1		
Patrick .....	1			
Piercy .....			1	
Porter .....		1		
Powell.....		1		
Ross .....	1			
Scott.. .....	1			
Showalter.....	1			
Smith of Tulare.....		1		
Smith of Placer.....			1	
Sorrel .....	1			
Spence.....		1		
Stearns .....		1		
Tilden.....			1	
Tilton .....		1		
Tittel .....		1		

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Walden.....	1			
Walter .....		1		
White .....	1			
Willey.....		1		
Wood of Plumas.....			1	
Wood of Yolo.....	1			
Wright.....		1		

Those who voted for Mr. Stillman, were—

Messrs. Shafter and Blair.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Tilden received forty-five votes.

Mr. Ayette received forty-two votes.

Mr. Thomas received sixteen votes.

Mr. Stillman received two votes.

There being no election, no one having received a majority of all the votes cast—

#### FOR RESIDENT PHYSICIAN—TWENTIETH BALLOT.

The Secretary called the roll for the twentieth ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Burbank .....		1		
Chase.....		1		
Clark.....		1		
Crittenden. ....	1			
DeLong .....		1		
Denver.....			1	
Dickinson .....	1			
Eagan.....	1			
Franklin .....	1			
Gallagher.....	1			
Harvey.....		1		
Haynes.....	1			
Hill .....		1		
Irwin .....		1		
Leet.....			1	
Logan.....	1			
Merritt .....	1			
Phelps.....		1		

NAMES.	Ayllette ...	Tilden ....	Thomas...	Ellis ....
Pico .....	1			
Rhodes .....		1		
Ryan.....		1		
Sharp.....		1		
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watson .....	1			
Watt.....	1			
Williamson .....	1			
Adams.....		1		
Amyx.....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell.....		1		
Chandler .....			1	
Cherry.....		1		
Childs .....	1			
Clark .....		1		
Coleman .....	1			
Coltrin.....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Dougherty.....		1		
Durst.....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford.....		1		
Foster.....			1	
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hagans.....			1	
Hanson .....	1			
Harriman .....			1	
Harris.....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		

NAMES.	Ayette....	Tilden....	Thomas...	Ellis.....
Holman .....	1			
Horrell.....	1			
Hunter .....		1		
Johnson.....	1			
Kungle .....	1			
Lalor.....	1			
Laspeyre.....	1			
Lippincott.....		1		
Magruder.....			1	
Miller .....		1		
Montgomery.....	1			
Morgan .....		1		
Morrison.....	1			
Munday.....			1	
O'Brien.....		1		
Patrick.....	1			
Piercy .....			1	
Porter.....		1		
Powell.....		1		
Ross .....	1			
Scott .....	1			
Showalter.....	1			
Smith of Tulare .....		1		
Smith of Placer .. .			1	
Sorrel .....	1			
Spence .....		1		
Stearns.....		1		
Tilden.....			1	
Tilton.....		1		
Tittel .....		1		
Walden .....	1			
Walter.....		1		
White .....	1			
Willey .....		1		
Wood of Plumas .....			1	
Wood of Yolo.....	1			
Wright .....		1		

Those who voted for Mr. Stillman were—  
Messrs. Shafter and Blair.

Whole number of votes cast, one hundred and five.  
Necessary to a choice, fifty-three.

Mr. Tilden received forty-six votes.  
Mr. Ayette received forty-three votes.  
Mr. Thomas received fourteen votes.  
Mr. Stillman received two votes.

There being no election, no one having received a majority of all the votes cast—

## FOR RESIDENT PHYSICIAN—TWENTY-FIRST BALLOT.

The Secretary then called the roll for the twenty-first ballot, with the following result :

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis.....
Burbank .....	1	1		
Chase .....		1		
Clark .....		1		
Crittenden .....	1			
De Long .....		1		
Denver .....			1	
Dickinson .....	1			
Eagan .....	1			
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Heacock .....		1		
Hill .....		1		
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Phelps .....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Chandler .....			1	
Cherry .....		1		
Childs .....	1			
Clark .....		1		
Coltrin .....		1		
Conness .....		1		

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....
Councilman .....		1		
Covarrubias .....	1			
Crocker.....		1		
Curtis .....	1			
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster .....			1	
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hagans ..	1			
Hanson .....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Holman .....	1			
Horrell .....	1			
Hunter.....		1		
Johnson .....	1			
Kungle .....	1			
Lalor .....	1			
Laspeyre .....	1			
Lippincott ....		1		
Magruder ..			1	
Miller .....		1		
Montgomery.....	1			
Morgan .....		1		
Morrison .....	1			
Munday .....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy .....			1	
Porter.....		1		
Powell .....		1		
Ross .....	1			
Scott .....	1			
Showalter .....	1			
Smith of Tulare .....		1		
Smith of Placer .....			1	
Sorrel .....	1			
Spence .....		1		
Stearns.....		1		



NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....
Tilden .....			1	
Tilton .....		1		
Tittel.....		1		
Walden .....	1			
Walter .....		1		
Whito.....	1			
Willey .....		1		
Wood of Plumas.....			1	
Wood of Yolo .....	1			
Wright .....		1		

Mr. Shafter voted for Mr. Stillman.

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Tilden received forty-six votes.

Mr. Aylette received forty-three votes.

Mr. Thomas received thirteen votes.

Mr. Stillman received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TWENTY-SECOND BALLOT.

The Secretary called the roll for the twenty-second ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....
Burbank .....		1		
Chase... ..		1		
Clark .....		1		
Crittenden .....	1			
De Long .....		1		
Denver .....			1	
Dickinson .....	1			
Eagan .....	1			
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Heacock .....		1		
Hill .....		1		

NAMES.	Ayette ...	Thiden ...	Thomas...	Ellis .....
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Phelps ....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas.....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx.....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell .....	1			
Chandler ..	1			
Cherry .....		1		
Childs .....		1		
Clark .....		1		
Coloman .....	1			
Coltrin .....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hagans .....		1		

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Hanson .....	1			
Harriman .....		1		
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Holman .....	1			
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....	1			
Lalor .....	1			
Laspeyre .....	1			
Lippincott .....		1		
Magruder .....			1	
Miller .....		1		
Montgomery .....	1			
Morgan .....		1		
Morrison .....	1			
Munday .....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy .....		1		
Porter .....		1		
Powell .....		1		
Ross .....	1			
Scott .....	1			
Showalter .....	1			
Smith, of Tulare .....		1		
Smith, of Placer .....			1	
Sorrel .....	1			
Spence .....		1		
Stearns .....		1		
Tilden .....			1	
Tilton .....		1		
Tittel .....		1		
Walden .....	1			
Walter .....		1		
White .....	1			
Willey .....		1		
Wood, of Plumas .....			1	
Wood of Yolo .....	1			
Wright .....		1		

Mr. Shafter voted for Mr. Stillman.

Whole number of votes cast, one hundred and six.  
Necessary to a choice, fifty-four.

Mr. Tilden received fifty-one votes.  
 Mr. Aylette received forty-five votes.  
 Mr. Thomas received nine votes.  
 Mr. Stillman received one vote.

There being no election, no one having received a majority of all the votes cast—

RESIDENT PHYSICIAN—TWENTY-THIRD BALLOT.

The Secretary then called the roll for the twenty-third ballot with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Burbank .....	1	1		
Chase .....	1	1		
Clark .....	1	1		
Crittenden .....	1			
DeLong .....	1	1		
Denver .....			1	
Dickinson .....	1			
Eagan .....	1			
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Heacock .....		1		
Hill .....		1		
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Phelps .....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery .....		1		
Baehtel .....			1	
Banks .....		1		
Bradley .....	1			
Briggs .....		1		

NAMES.	Ayllette ...	Tilden ...	Thomas...	Ellis .....
Burnell .....		1		
Buell .....			1	
Chandler .....			1	
Cherry .....		1		
Childs .....		1		
Clark .....		1		
Coleman .....	1			
Coltrin .....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Doughterty .....		1		
Durst .....		1		
Eastman .....		1		
Flanders .....		1		
Ford .....		1		
Gillette .....	1			
Green .....		1		
Gregory .....	1			
Hanson .....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Holman .....	1			
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....	1			
Lalor .....	1			
Laspeyre .....	1			
Lippincott .....		1		
Magruder .....			1	
Miller .....		1		
Montgomery .....	1			
Morgan .....		1		
Morrison .....	1			
Munday .....			1	
O'Brien .....		1		
Patrick .....	1			
Piercy .....			1	
Porter .....		1		
Powell .....		1		
Ross .....	1			
Scott .....	1			

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....
Showalter .....	1			
Smith of Tulare .....		1		
Smith of Placer.....			1	
Sorrel .....	1			
Spence .....		1		
Stearns .....		1		
Tilden .....			1	
Tilton .....		1		
Tittel .....		1		
Walden.....	1			
Walter .....		1		
White .....	1			
Willey .....		1		
Wood of Plumas .....			1	
Wood of Yolo.. .....	1			
Wright .....		1		

Mr. Shafter voted for Mr. Stillman.

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Tilden received forty-six votes.

Mr. Aylette received forty-three votes.

Mr. Thomas received thirteen votes.

Mr. Stillman received one vote.

There being no election, no one having received a majority of all the votes cast.

Mr. Wood of Plumas moved to adjourn to Saturday, March thirtieth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Merritt moved to amend to adjourn to meet at half past seven o'clock this evening.

Lost.

Mr. Merritt then moved to amend to adjourn until to-morrow at half past seven o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Magruder, Showalter, and Merritt, and taken with the following result: Ayes, 50—noes, 50:

**AYES**—Messrs. Burbank, Crittenden, Dickinson, Eagan, Franklin, Gallagher, Harvey, Haynes, Leet, Logan, Merritt, Pico, Vance, Warmcastle, Watson, Watt, Williamson, Baechtel, Bradley, Buell, Childs, Covarrubias, Durst, Gillette, Gregory, Hanson, Harriman, Harris, Harrison, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Ross, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Yolo, and Wright—50.

**NOES**—Messrs. De Long, Denver, Heacock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Adams, Amyx, Avery, Banks,

Briggs, Burnell, Chandler, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Eastman, Flanders, Ford, Green, Haun, Henderson, Holman, Hunter, Montgomery, Morgan, Porter, Powell, Scott, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wood of Plumas—50.

The question recurring on the motion of Mr. Wood of Plumas to adjourn until Saturday, March thirtieth, eighteen hundred and sixty-one, at two o'clock, P. M.

The ayes and noes were demanded by Messrs. Merritt, and Logan of the Senate, and Wood of Plumas of the House, and taken with the following result: Ayes, 40—noes, 63:

**AYES**—Messrs. Crittenden, De la Guerra, Denver, Eagan, Edgerton, Franklin, Gallagher, Leet, Logan, Pico, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtel, Bradley, Buell, Childs, Covarrubias, Gillette, Harrison, Haun, Holman, Kungle, Lalor, Magruder, Morrison, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, White, Wood of Plumas, and Wood of Yolo—40.

**NOES**—Messrs. Burbank, De Long, Dickinson, Harvey, Haynes, Heacock, Hill, Irwin, Merritt, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Adams, Avery, Banks, Briggs, Burnell, Chandler, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Gregory, Hagans, Hanson, Harriman, Henderson, Horrell, Hunter, Johnson, Laspeyre, Lippincott, Miller, Montgomery, Morgan, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, and Wright—63.

So the motion was lost.

Mr. De Long then moved to adjourn to meet to-morrow morning at half past eleven o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. White and Walden of the House, and Mr. Merritt of the Senate, and taken with the following result: Ayes, 56—noes, 44:

**AYES**—Messrs. Crittenden, De Long, Dickinson, Eagan, Franklin, Gallagher, Harvey, Haynes, Irwin, Leet, Logan, Merritt, Pico, Warmcastle, Watson, Watt, Williamson, Amyx, Avery, Baechtel, Bradley, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Durst, Eastman, Fargo, Gillette, Gregory, Harriman, Harris, Haun, Holman, Horrell, Hunter, Kungle, Lalor, Laspeyre, Magruder, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Scott, Smith of Tulare, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, and Wright—56.

**NOES**—Messrs. Burbank, Denver, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Adams, Banks, Briggs, Burnell, Buell, Chandler, Cherry, Clarke, Councilman, Curtis, Dougherty, Flanders, Ford, Hagans, Hanson, Harrison, Henderson, Johnson, Miller, Montgomery, Morgan, Porter, Showalter, Smith of Placer, Spence, Tilton, Tittel, Walter, and Willey—44.

So the motion prevailed, and the convention adjourned to meet to-morrow, March twenty-eighth, eighteen hundred and sixty-one, at half past twelve o'clock, A. M.

Whereupon, the Senate returned to their own chamber.

IN SENATE.

Senate called to order.

President in the Chair.

Mr. Irwin moved that he might have leave on to-morrow to move a reconsideration of the vote had on yesterday by which Senate Bill, No. 217 was passed, pursuant to notice given on yesterday.

Mr. De Long moved to adjourn.

Lost.

Mr. Merritt moved to make the motion to reconsider the special order for Friday next at half past eleven o'clock, A. M.

Mr. De Long arose to a point of order—That there had been no motion made to reconsider, consequently the Senate could not make a motion a special order, that had not been made, but merely a notice given that it would be made.

The Chair ruled the point of order well taken.

Mr. Irwin then moved to reconsider the vote had on yesterday by which Senate Bill, No. 217, was passed.

Lost.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,

Thursday, March 28th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Clark, the Secretary was directed to transmit to the Assembly the petition that was presented to the Senate in connection with Senate Bill, No. 100.

Mr. De Long, pursuant to notice, moved to reconsider the vote had on yesterday by which Assembly Bills, Nos. 56, 57, and 157, and Senate Bill, No. 97, were made the special order of the day for Tuesday next, April second, eighteen hundred and sixty-one, at twelve o'clock, M.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Clark, and Sharp, and taken with the following result: Ayes, 17—noes, 14:

**AYES**—Messrs. Chase, Crittenden, De Long, De la Guerra, Dickinson, Eagan, Edgerton, Harvey, Hill, Irwin, Logan, Rhodes, Ryan, Shafter, Sharp, Thomas, and Vance—17.

**NOES**—Messrs. Burbank, Clark, Franklin, Gallagher, Haynes, Heacock, Merritt, Parks, Phelps, Pico, Thornton, Warmcastle, Watt, and Williamson—14.

Mr. De Long then moved to make the bills the special order for to-morrow, March twenty-ninth, eighteen hundred and sixty-one, at one o'clock, P. M. and at the same hour every day thereafter until disposed of.



Mr. Merritt arose to a point of order—That the Senate could not make a bill a special order for more than one day at a time.

The Chair ruled the point of order not well taken.

Mr. Sharp moved the previous question.

Not sustained.

Pending the discussion on Mr. De Long's motion to make special order, on motion of Mr. Clark the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention pursuant to adjournment for the purpose of electing Physicians and Trustees for the State Insane Asylum at Stockton.

#### IN JOINT CONVENTION.

The Convention met pursuant to adjournment.

Hon. R. Irwin, President *pro tem.* of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. De la Guerra and Watkins.

House roll called.

Absent—Mr. Denniston.

Minutes of preceding convention read and approved.

Mr. Dickinson offered the following resolution:

*Resolved*, That in this and all future Joint Conventions during the present session no person shall be admitted within the bar of the House except reporters and the officers, members, and attachés, of the two Houses, and the President is requested to strictly enforce this rule.

Mr. Smith of Tulare, offered the following as a substitute:

*Resolved*, That the Sergeants-at-Arms of the Senate and Assembly be directed to exclude from within the bar of the House all persons not entitled to a seat in this Convention.

Mr. Munday moved to lay both resolutions on the table, which was ordered. The substitute was then adopted.

#### FOR RESIDENT PHYSICIAN—TWENTY-FOURTH BALLOT.

The Secretary by direction of the President then called the roll for the twenty-fourth ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Burbank .....	.....	1	.....	.....
Chase .....	.....	1	.....	.....
Clark .....	.....	1	.....	.....
Crittenden .....	1	.....	.....	.....
DeLong .....	.....	1	.....	.....
Denver .....	.....	.....	1	.....
Dickinson .....	.....	.....	1	.....
Eagan .....	1	.....	.....	.....
Edgerton .....	.....	1	.....	.....
Franklin .....	1	.....	.....	.....
Gallagher .....	1	.....	.....	.....
Harvey .....	.....	1	.....	.....
Haynes .....	1	.....	.....	.....
Heacock .....	.....	1	.....	.....

NAMES.	Ayette...	Tilden...	Thomas...	Ellis....
Hill .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Parks .....			1	
Phelps.....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas.....	1			
Thornton.....	1			
Vance .....	1			
Warmcastle .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery .....		1		
Baechtel .....			1	
Banks.....		1		
Blair .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell.....	1			
Campbell .....		1		
Chandler.....			1	
Cherry .....		1		
Clarke .....		1		
Coleman.....	1			
Coltrin .....		1		
Conness .....		1		
Councilman.....		1		
Covarrubias.....	1			
Crocker .....		1		
Curtis.....	1			
Dougherty .....		1		
Durst.....		1		
Eastman.....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster.....			1	
Gillette.....	1			
Gordon .....	1			
Green .....		1		

NAMES.	Ayette....	Tilden ...	Thomas...	Ellis ....
Gregory .....	1			
Hagans .....			1	
Hanson .....	1			
Harriman.....			1	
Harris.....	1			
Harrison.....			1	
Haun.....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			
Horrell.. .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....	1			
Lalor.....	1			
Laspeyre .....	1			
Lippincott .....		1		
Magruder .....			1	
Miller .....		1		
Montgomery .....	1			
Morrison.....	1			
Munday .....			1	
O'Brien.....		1		
Patrick .....	1			
Piercy .....			1	
Porter .....		1		
Powell.....		1		
Ross .....	1			
Scott.. .....	1			
Showalter.....	1			
Smith of Tulare.....		1		
Smith of Placer.....			1	
Sorrel .....	1			
Spence .....		1		
Stearns.. ...		1		
Tilton .....		1		
Tittel .....		1		
Walden.....	1			
Walter .....		1		
White .....	1			
Wiley.....		1		
Wood of Plumas.....			1	
Wood of Yolo.....	1			
Wright.....		1		

Mr. Shafter voted for Mr. Stillman.

Mr. Morgan voted for Mr. Spencer.

Whole number of votes cast, one hundred and eight.<sup>3</sup>

Necessary to a choice, fifty-five.

Mr. Tilden received forty-eight votes.

Mr. Aylette received forty-three votes.

Mr. Thomas received fifteen votes.

Mr. Stillman received one vote.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TWENTY-FIFTH BALLOT.

The Secretary called the roll for the twenty-fifth ballot, with the following result:

NAMES.	Aylette....	Tilden....	Thomas...	Ellis.....
Burbank .....	1			
Chase.....	1			
Clark.....	1			
Crittenden. ....	1			
DeLong .....	1			
Denver.....			1	
Dickinson .....			1	
Eagan.....	1			
Edgerton .....		1		
Franklin .....	1			
Gallagher.....	1			
Harvey .....		1		
Haynes.....	1			
Hill .....		1		
Leet.....			1	
Logan.....	1			
Merritt .....	1			
Parks .....			1	
Phelps.....		1		
Pico .....	1			
Rhodes .....		1		
Ryan.....		1		
Sharp.....		1		
Thomas .....	1			
Thornton.....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt.....	1			
Williamson .....	1			
Adams.....		1		
Amyx.....	1			
Avery .....		1		
Baechtel .....			1	

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis ....
Banks .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell.....	1			
Campbell .....		1		
Chandler .....			1	
Cherry.....		1		
Clark .....		1		
Coleman .....			1	
Coltrin.....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Dougherty.....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster.....			1	
Gillette .....	1			
Gordon .....	1			
Green .....		1		
Gregory .....	1			
Hanson .....	1			
Harriwan .....			1	
Harris.....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			
Horrell .....	1			
Hunter .....		1		
Johnson.....	1			
Kungle ....	1			
Lalor.....	1			
Laspeyre.....	1			
Lippincott .....		1		
Magruder .....			1	
Miller .....		1		
Montgomery .....	1			
Morrison .....	1			
Munday.....			1	
O'Brien .....		1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis ....
Porter.....	.....	1	.....	.....
Powell.....	.....	1	.....	.....
Ross .....	.....	.....	1	.....
Scott .....	1	.....	.....	.....
Showalter.....	1	.....	.....	.....
Smith of Tulare .....	.....	1	.....	.....
Smith of Placer ... ..	.....	.....	1	.....
Sorrel .....	1	.....	.....	.....
Spence ....	.....	1	.....	.....
Stearns.....	.....	1	.....	.....
Tilton .....	.....	1	.....	.....
Tittel .....	.....	1	.....	.....
Walden .....	1	.....	.....	.....
Walter.....	.....	1	.....	.....
White .....	.....	.....	1	.....
Willey ..	.....	1	.....	.....
Wood of Plumas .....	.....	.....	1	.....
Wood of Yolo.....	1	.....	.....	.....
Wright .....	.....	1	.....	.....

Mr. Shafter voted for Mr. Stillman.

Mr. Morgan voted for Mr. Spencer.

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. Tilden received forty-six votes.

Mr. Aylette received forty votes.

Mr. Thomas received sixteen votes.

Mr. Stillman received one vote.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Wood of Plumas moved to adjourn to Wednesday, April third, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. Wood of Plumas and White, of the Assembly, and Williamson of the Senate, and taken with the following result:

**AYES**—Messrs. Crittenden, Denver, Dickinson, Eagan, Franklin, Gallagher, Haynes, Logan, Merritt, Pico, Shafter, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtcl, Bradley, Buell, Chandler, Childs, Covarrubias, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Haun, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Morrison, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—54.

NOES—Messrs. Burbank, Chase, Clark, DeLong, Edgerton, Harvey, Hancock, Hill, Leet, Phelps, Rhodes, Ryan, Sharp, Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clark, Coleman, Coltrin, Conness, Councilman, Crocker, Dougherty, Durst, Eastman, Flanders, Ford, Green, Hanson, Harriinan, Harrison, Henderson, Hill, Hunter, Miller, Montgomery, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walter, Willey, and Wright—55.

So the motion was lost, and the convention refused to adjourn.

FOR RESIDENT PHYSICIAN—TWENTY-SIXTH BALLOT.

The Secretary, by the direction of the President, then called the roll for the twenty-sixth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis .....
Burbank .....		1		
Chase .....		1		
Clark .....		1		
Crittenden .....	1			
De Long .....		1		
Denver .....			1	
Dickinson .....			1	
Eagan .....	1			
Edgerton .....		1		
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....	1			
Hill .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....			1	
Parks .....			1	
Phelps .....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....	1			
Avery .....		1		
Baehtel .....			1	

NAMES.	Ayette ...	Tilden ....	Thomas...	Ellis .....
Banks .....		1		
Blair ...		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell .....	1			
Chandler .....			1	
Cherry .....		1		
Coleman .....			1	
Coltrin .....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster .....			1	
Gillette .....	1			
Gordon .....	1			
Green .....		1		
Gregory .....	1			
Hagans ..			1	
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....			1	
Horrell .....			1	
Hunter .....		1		
Johnson .....	1			
Kungle .....	1			
Laspeyre .....	1			
Lippincott ...		1		
Magruder ..			1	
Miller .....			1	
Montgomery .....	1			
Morgan .....		1		
Munday .....			1	
O'Brien .....		1		
Patrick .....			1	
Porter .....		1		



NAMES.	Ayette...	Tilden...	Thomas...	Ellis.....
Powell .....	.....	1	.....	.....
Ross .....	.....	.....	1	.....
Scott .....	.....	1	.....	.....
Showalter .....	1	.....	.....	.....
Smith of Tulare .....	.....	1	.....	.....
Smith of Placer .....	.....	.....	1	.....
Sorrel .....	1	.....	.....	.....
Spence .....	.....	1	.....	.....
Stearns .....	.....	1	.....	.....
Tilton .....	.....	1	.....	.....
Tittel.....	.....	1	.....	.....
Walden .....	1	.....	.....	.....
Walter .....	.....	1	.....	.....
White .....	1	.....	.....	.....
Wood of Plumas.....	.....	.....	1	.....
Wood of Yolo .....	1	.....	.....	.....
Wright .....	.....	1	.....	.....

Mr. Shafter voted for Mr. Spencer.

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Tilden received forty-four votes.

Mr. Ayette received thirty-five votes.

Mr. Thomas received twenty-one votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr White moved that the convention adjourn to meet on Wednesday, April third, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Bradley and White, of the Assembly and Mr. Eagan, of the Senate, and taken with the following result: Ayes, 58—noes, 49:

**AYES**—Messrs Crittenden, Denver, Dickinson, Eagan, Franklin, Gallagher, Haynes, Leet, Logan, Merritt, Pico, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Covarrubias, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Morrison, Munday, Patrick, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—58.

**NOES**—Messrs. Burbank, Chase, Clark, De Long, Edgerton, Harvey, Heacock, Hill, Parks, Phelps, Rhodes, Sharp, Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Dougherty, Durst, Eastman, Flanders, Ford, Green, Hariman, Henderson, Hill, Hunter, Miller, Morgan, O'Brien, Porter, Powell,

Smith of Tulare,<sup>o</sup> Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wright—49.

So the Convention adjourned to meet on Wednesday next, April third, eighteen hundred and sixty-one, at two o'clock, p. m.

Whereupon, the Senate repaired to their own chamber.

#### IN SENATE.

President *pro tem.* in the Chair.

On motion of Mr. Merritt, the Senate proceeded to the Assembly Chamber to meet the Assembly in Joint Convention for the purpose of electing a Commissioner under the provisions of An Act approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide for a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State.

#### IN JOINT CONVENTION.

The convention met pursuant to a Concurrent Resolution adopted by both branches of the Legislature, Relative to the election of a Boundary Commissioner on this day.

Hon. R. Irwin, President *pro tem.* of the Senate, and Hon. C. Crocker, of the House, presiding.

Senate roll called.

Absent—Mr. Ryan.

House roll called.

Absent—Messrs. Walter and Councilman.

The Secretary read the Concurrent Resolution by authority of which both Houses assembled in Joint Convention.

Whereupon, the President appointed Mr. Phelps, of the Senate, and Mr. Walden of the House, as Tellers, and then announced nominations in order for a Boundary Commissioner to be elected under the provisions of an act of the Legislature, approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide for a Commissioner to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State.

Mr. Morrison then nominated R. P. Hammond of San Joaquin County.

Mr. Wright nominated J. C. McKibben of Sierra County.

Mr. Shafter nominated R. C. Mathewson of San Francisco.

Mr. Curtis nominated Ferris Forman of Sacramento.

#### FOR BOUNDARY COMMISSIONER—FIRST BALLOT.

Here nominations being closed, the Secretary by direction of the President called the roll for the first ballot, with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....		1		
Chase .....		1		
Clark .....				1
Crittenden .....	1			
De Long .....		1		
Denver .....				1
Dickinson .....				1
Eagan .....				1
Edgerton .....		1		
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....				1
Hill .....		1		
Irwin .....		1		
Leet .....				1
Logan .....				1
Merritt .....	1			
Parks .....				1
Phelps ....			1	
Pico .....				1
Rhodes .....		1		
Shafter .....			1	
Thomas.....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....			1	
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx.....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs .....			1	
Burnell .....		1		
Buell .....				1
Campbell .....		1		
Cherry .....			1	
Childs .....	1			
Clark .....			1	
Coleman .....				1
Coltrin .....		1		
Conness .....		1		
Covarrubias .....		1		

## NAMES.

	Hammond.	McKibbin.	Mathewson	Forman...
Crocker .....				1
Curtis .....				1
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....				1
Ford .....		1		
Gillette .....				1
Gordon .....	1			
Green .....		1		
Gregory .....				1
Hagans .....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....				1
Haun .....				1
Henderson .....		1		
Hill .....		1		
Holman .....				1
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....				1
Kurtz .....				1
Lalor .....				1
Laspeyre .....				1
Lippincott .....	1			
Magruder .....				1
Miller .....	1			
Montgomery .....				1
Morgan .....				1
Morrison .....	1			
O'Brien .....		1		
Patrick .....				1
Piercy .....				1
Porter .....			1	
Powell .....		1		
Ross .....				1
Scott .....	1			
Showalter .....				1
Smith, of Tulare .....				1
Smith, of Placer .....		1		
Tilden .....		1		
Tilton .....			1	
Walden .....	1			
White .....				1
Willey .....		1		

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Wood, of Plumas .....	.....	.....	.....	1
Wood of Yolo .....	.....	.....	.....	1
Wright .....	.....	1	.....	.....

Whole number of votes cast, ninety-nine.

Necessary to a choice, fifty.

Mr. Hammond received twenty-three votes.

Mr. McKibbin received thirty-two votes.

Mr. Mathewson received nine votes.

Mr. Forman received thirty-five votes.

There being no election, no one having received a majority of all the votes cast—

FOR BOUNDARY COMMISSIONER—SECOND BALLOT.

The Secretary then called the roll for the second ballot with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....	.....	1	.....	.....
Chase .....	.....	1	.....	.....
Clark .....	.....	.....	.....	1
Crittenden .....	1	.....	.....	.....
DeLong .....	.....	1	.....	.....
Denver .....	.....	.....	.....	1
Dickinson .....	.....	.....	.....	1
Eagan .....	.....	.....	.....	1
Edgerton .....	.....	1	.....	.....
Franklin .....	1	.....	.....	.....
Gallagher .....	1	.....	.....	.....
Harvey .....	.....	1	.....	.....
Haynes .....	.....	.....	.....	1
Heacock .....	.....	1	.....	.....
Hill .....	.....	1	.....	.....
Irwin .....	.....	1	.....	.....
Leet .....	.....	.....	.....	1
Logan .....	.....	.....	.....	1
Merritt .....	1	.....	.....	.....
Parks .....	.....	.....	.....	1
Phelps .....	.....	1	.....	.....
Pico .....	.....	.....	.....	1
Rhodes .....	.....	1	.....	.....
Shafter .....	.....	.....	.....	1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Thomas .....	1			
Thornton.....	1			
Vance.....	1			
Warmcastle.....	1			
Watkins .....			1	
Watson .....	1			
Watt.....	1			
Williamson.....	1			
Adams .....		1		
Amyx.....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs.....			1	
Burnell .....		1		
Buell .....				1
Campbell .....		1		
Chandler .....				1
Cherry .....			1	
Childs.....	1			
Clark.....			1	
Coltrin .....		1		
Conness .....		1		
Covarrubias .....		1		
Crocker .....				1
Curtis.....				1
Doughterty.....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....				1
Ford .....			1	
Gordon .....	1			
Green .....		1		
Gregory.....			1	
Hagans .....	1			
Hanson .....				1
Harriman .....		1		
Harris .....	1			
Harrison .....				1
Haun .....				1
Henderson .....		1		
Hill .....		1		
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....				1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Kurtz .....				1
Lalor .....			1	
Laspeyre .....				1
Lippincott.....	1			
Magruder .....				1
Miller .....	1			
Montgomery .....				1
Morgan .....				1
Munday .....	1			
O'Brien .....		1		
Patrick .....				1
Piercy .....				1
Porter .....			1	
Powell .....		1		
Ross .....				1
Scott .....	1			
Showalter .....				1
Smith of Placer.....		1		
Tilton .....			1	
Tittel .....		1		
Walden....	1			
Walter .....		1		
White .....				1
Willey .....			1	
Wood of Plumas .....				1
Wood of Yolo..				1
Wright .....		1		

Whole number of votes cast, ninety-nine.

Necessary to a choice, fifty.

Mr. Hammond received twenty-three votes.

Mr. McKibbin received thirty-four votes.

Mr. Forman received thirty-one votes.

Mr. Mathewson received eleven votes.

There being no election, no one having received a majority of all the votes cast.

#### BOUNDARY COMMISSIONER—THIRD BALLOT.

The Secretary then called the roll for the third ballot with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....		1		
Chase .....		1		
Clark.....				1
Crittenden .....	1			
DeLong .....		1		
Denver.. .....				1
Dickinson.....				1
Eagan .....				1
Edgerton.....		1		
Franklin.....	1			
Gallagher.....	1			
Harvey .....		1		
Haynes.....				1
Hill.....		1		
Irwin .....		1		
Leet .....				1
Logan .....				1
Merritt .....				1
Parks .....				1
Phelps.....		1		
Pico.....				1
Rhodes .....		1		
Shafter .....			1	
Thomas.....	1			
Thornton.....	1			
Vance.....	1			
Warncastle.....	1			
Watkins.....			1	
Watson .....			1	
Watt.....	1			
Williamson.....	1			
Adams.....		1		
Amyx .....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Burnell.. .....		1		
Buell .....				1
Campbell.....		1		
Chandler.. .....				1
Cherry.....			1	
Childs .....	1			
Coleman.....				1
Coltrin.....		1		
Conness.....		1		
Covarrubias.....			1	
Crocker .....				1
Curtis .....				1



## NAMES.

	Hammond.	McKibbin.	Matheson.	Foran.
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....			1	
Ford .....		1		
Gordon .....				1
Green .....		1		
Gregory .....			1	
Hagans .....	1			
Hanson .....				1
Harris .....	1			
Harrison .....				1
Haun .....				1
Henderson .....		1		
Hill .....		1		
Horrell .....				1
Hunter .....		1		
Johnson .....	1			
Kungle .....				1
Kurtz .....			1	
Lalor .....			1	
Laspeyre .....	1			
Lippincott .....	1			
Magruder .....				1
Miller .....	1			
Montgomery .....				1
Morgan .....			1	
O'Brien .....		1		
Patrick .....				1
Piercy .....		1		
Porter .....			1	
Powell .....		1		
Ross .....				1
Scott .....	1			
Showalter .....				1
Smith, of Placer .....		1		
Spence .....		1		
Tilton .....			1	
Tittel .....		1		
Walder .....	1			
Walter .....		1		
White .....				1
Willey .....		1		
Wood, of Plumas .....				1
Wood of Yolo .....				1
Wright .....		1		

Whole number of votes cast, ninety-five.

Necessary to a choice, forty-eight.

Mr. Hammond received eighteen votes.

Mr. McKibbin received thirty-five votes.

Mr. Mathewson received twelve votes.

Mr. Forman received thirty votes.

There being no election, no one having received a majority of all the votes cast—

BOUNDARY COMMISSIONER—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....		1		
Chase .....		1		
Clark .....				1
Crittenden .....	1			
DeLong .....		1		
Denver .....				1
Dickinson .....				1
Eagan .....				1
Edgerton .....		1		
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....				1
Hill .....		1		
Irwin .....		1		
Leet .....				1
Logan .....				1
Merritt .....				1
Parks .....				1
Phelps .....		1		
Pico .....				1
Rhodes .....		1		
Shafter .....			1	
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....			1	
Watson .....			1	
Watt .....	1			
Adams .....		1		
Amyx .....				1
Avery .....		1		
Banks .....		1		
Burnell .....		1		

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Buell.....				1
Campbell .....		1		
Chandler.....				1
Cherry .....			1	
Childs .....	1			
Clarke .....			1	
Coleman .....		1		
Coltrin .....		1		
Conness .....		1		
Crocker .....				1
Curtis.....				1
Dougherty .....		1		
Durst.....		1		
Eastman.....		1		
Fargo .....		1		
Flanders .....			1	
Ford .....		1		
Foster.....				1
Gordon .....			1	
Green .....		1		
Gregory .....			1	
Hagans .....			1	
Hanson .....				1
Harris.....	1			
Harrison.....				1
Haun.....			1	
Henderson .....		1		
Hill .....		1		
Holman .....				1
Horrell .....				1
Hunter .....		1		
Johnson .....	1			
Kungle .....				1
Kurtz .....			1	
Lalor.....			1	
Laspeyre .....				1
Lippincott .....	1			
Magruder .....				1
Miller .....	1			
Montgomery .....				1
Morgan.....			1	
Munday .....				1
O'Brien.....		1		
Patrick .....				1
Piercy .....				1
Porter.....			1	
Powell.....		1		
Ross .....				1

NAMES.	Hammond.	McKibbin.	Mathewson.	Forman...
Scott.....	1			
Showalter.....				1
Smith of Placer.....		1		
Sorrel .....			1	
Tilden .....		1		
Tilton .....			1	
Tittel .....		1		
Walter .....		1		
White .....				1
Willey.....			1	
Wood of Plumas.....				1
Wood of Yolo.....				1
Wright.....		1		

Mr. Gillette paired off with Mr. Morrison.

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Hammond received sixteen votes.

Mr. McKibbin received thirty-three votes.

Mr. Mathewson received seventeen votes.

Mr. Forman received thirty-two votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Porter offered the following resolution :

*Resolved*—That the public interest demands a strict construction of, and compliance with, the rule requiring that members should be within the bar when their names are called, to entitle them to vote...

Laid on the table.

#### BOUNDARY COMMISSIONER—FIFTH BALLOT.

The Secretary then called the roll for the fifth ballot with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson.	Forman...
Burbank .....		1		
Chase.....		1		
Clark.....				1
Crittenden. ....	1			
DeLong .....		1		
Denver.....				1
Dickinson .....				1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Eagan.....				1
Franklin .....	1			
Gallagher.....	1			
Harvey .....		1		
Haynes.....				1
Heacock .....				1
Hill .....		1		
Irwin .....		1		
Leet.....				1
Logan.....				1
Merritt .....				1
Phelps.....			1	
Pico .....				1
Rhodes .....		1		
Shafter .....			1	
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....			1	
Watson .....			1	
Watt.....	1			
Williamson .....	1			
Adams.....		1		
Amyx .....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs.....			1	
Burnell .....		1		
Buell.....				1
Campbell .....		1		
Chandler .....				1
Cherry.....			1	
Childs .....	1			
Clark.....			1	
Coltrin.....		1		
Conness .....		1		
Councilman .....		1		
Crocker .....				1
Curtis .....				1
Dougherty.....		1		
Durst.....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....			1	
Ford.....		1		

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Foster.....				1
Gillette .....	1			
Gordon .....	1			
Green .....		1		
Gregory .....			1	
Hagans .....			1	
Hanson .....				1
Harriman .....				1
Harris.....	1			
Harrison .....				1
Haun .....			1	
Henderson .....		1		
Hill .....		1		
Holman .....				1
Horrell.....				1
Hunter .....		1		
Johnson.....	1			
Kungle .....				1
Kurtz .....			1	
Lalor.....			1	
Laspeyre.....				1
Lippincott.....	1			
Magruder .....				1
Miller .....	1			
Montgomery.....				1
Morgan .....			1	
Morrison.....	1			
Munday.....		1		
O'Brien.....		1		
Patrick.....				1
Piercy .....				1
Porter.....			1	
Powell.....		1		
Ross .....				1
Showalter.....				1
Smith of Tulare .....				1
Smith of Placer .....		1		
Stearns.....	1			
Tilden .....		1		
Tilton .....			1	
Walden .....		1		
Walter.....		1		
White .....				1
Willey .....		1		
Wood of Plumas .....				1
Wood of Yolo.....				1
Wright .....		1		

Mr. Tittel voted for Mr. Munday.

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Hammond received nineteen votes.

Mr. McKibbin received thirty-four votes.

Mr. Mathewson received sixteen votes.

Mr. Forman received thirty-three votes.

Mr. Munday received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. White moved that the convention adjourn to meet on tomorrow, March twenty-ninth, at twelve o'clock, M.

Lost.

#### BOUNDARY COMMISSIONER—SIXTH BALLOT.

The Secretary called the roll for the sixth ballot, with the following result :

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....		1		
Chase .....		1		
Clark .....				1
Crittenden .....	1			
De Long .....		1		
Denver .....				1
Dickinson .....				1
Eagan .....				1
Edgerton .....		1		
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....				1
Heacock .....		1		
Hill .....		1		
Irwin .....		1		
Leet .....				1
Logan .....				1
Merritt .....				1
Parks .....				1
Phelps .....				1
Piep .....				1
Rhodes .....		1		
Shafter .....			1	
Thomas .....				1
Thornton .....				1
Vance .....	1			
Warmcastle .....	1			
Watkins .....			1	

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Watson .....			1	
Watt .....	1			
Williamson .....	1			
Adams .....		1		
Amyx .....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs .....			1	
Burnell .....		1		
Buell .....				1
Campbell .....		1		
Chandler .....				1
Cherry .....			1	
Childs .....	1			
Clark .....			1	
Conness .....		1		
Councilman .....			1	
Crocker .....				1
Curtis .....				1
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....			1	
Flanders .....			1	
Ford .....		1		
Gillette .....				1
Gordon .....				1
Green .....		1		
Hagans .....			1	
Hanson .....				1
Harriman .....		1		
Harris .....	1			
Harrison .....				1
Haup .....				1
Henderson .....		1		
Hill .....		1		
Holman .....				1
Horrell .....				1
Hunter .....		1		
Johnson .....	1			
Kungle .....				1
Kurtz .....			1	
Lalor .....				1
Laspeyre .....				1
Lippincott .....	1			
Magruder .....				1



NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Miller .....	.....	1	.....	.....
Montgomery.....	.....	.....	.....	1
Morgan .....	.....	.....	1	.....
Morrison .....	1	.....	.....	.....
O'Brien .....	.....	1	.....	.....
Patrick .....	.....	.....	.....	1
Piercy .....	.....	.....	.....	1
Porter .....	.....	.....	1	.....
Powell .....	.....	1	.....	.....
Ross .....	.....	.....	.....	1
Scott .....	.....	.....	.....	1
Showalter.....	.....	.....	.....	1
Smith of Tulare .....	.....	.....	.....	1
Stearns.....	1	.....	.....	.....
Tilden .....	.....	1	.....	.....
Tilton .....	.....	.....	1	.....
Tittel.....	.....	1	.....	.....
Walden .....	.....	1	.....	.....
Walter .....	.....	1	.....	.....
White.....	.....	.....	.....	1
Wiley .....	.....	1	.....	.....
Wood of Plumas.....	.....	.....	.....	1
Wood of Yolo .....	.....	.....	.....	1
Wright .....	1	.....	.....	.....

Those who voted for Mr. Watson were—

Messrs. Covarrubias and Gregory.

Mr. Munday voted for Mr. Vance.

Mr. Sorrel voted for Mr. Showalter.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Hammond received fourteen votes.

Mr. McKibbin received thirty-four votes.

Mr. Mathewson received fourteen votes.

Mr. Forman received thirty-nine votes.

Mr. Watson received two votes.

Mr. Vance received one vote.

Mr. Showalter received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Chase moved that the convention adjourn to meet on tomorrow, March twenty-ninth, at two o'clock, P. M.

Lost.

#### BOUNDARY COMMISSIONER—SEVENTH BALLOT.

The Secretary called the roll for the seventh ballot, with the following result :

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....		1		
Chase .....		1		
Clark.....				1
Crittenden .....	1			
DeLong .....		1		
Denver.....				1
Dickinson.....				1
Egan .....				1
Edgerton.....		1		
Franklin.....	1			
Gallagher.....	1			
Harvey .....		1		
Haynes.....				1
Hill.....		1		
Irwin .....		1		
Leet .....				1
Logan .....				1
Merritt .....				1
Parks .....				1
Phelps.....		1		
Pico.....				1
Rhodes .....		1		
Shafter .....			1	
Thomas.....	1			
Thornton.....	1			
Vance.....	1			
Warmcastle.....	1			
Watkins.....			1	
Watson .....			1	
Watt.....	1			
Williamson.....	1			
Adams.....		1		
Amyx .....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Burnell.....		1		
Buell.....				1
Campbell.....		1		
Chandler .....				1
Cherry.....			1	
Childs .....	1			
Coleman.....				1
Coltrin.....		1		
Conness.....		1		
Covarrubias.....			1	
Crocker .....				1
Curtis .....				1

NAMES.	Hammond	McKibbin	Mathewson	Jensen
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....			1	
Ford .....		1		
Gordon .....				1
Green .....		1		
Gregory .....			1	
Hagans .....	1			
Hanson .....				1
Harris .....	1			
Harrison .....				1
Haun .....				1
Henderson .....		1		
Hill .....		1		
Horrell .....				1
Hunter .....		1		
Johnson .....	1			
Kungle .....				1
Kurtz .....			1	
Lalor .....			1	
Laspeyre .....	1			
Lippincott .....	1			
Magruder .....				1
Miller .....	1			
Montgomery .....				1
Morgan .....			1	
O'Brien .....		1		
Patrick .....				1
Pierdy .....		1		
Porter .....			1	
Powell .....		1		
Ross .....				1
Scott .....	1			
Showalter .....				1
Smith, of Placer .....		1		
Spence .....		1		
Tilton .....			1	
Tittel .....		1		
Walden .....	1			
Walter .....		1		
White .....				1
Willey .....		1		
Wood, of Plumas .....				1
Wood of Yolo .....				1
Wright .....		1		

Whole number of votes cast, ninety-five.

Necessary to a choice, forty-eight.

Mr. Hammond received eighteen votes.

Mr. McKibbin received thirty-five votes.

Mr. Mathewson received twelve votes.

Mr. Forman received thirty votes.

There being no election, no one having received a majority of all the votes cast—

BOUNDARY COMMISSIONER—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank .....	.....	1	.....	.....
Chase .....	.....	1	.....	.....
Clark .....	.....	.....	.....	1
Crittenden .....	1	.....	.....	.....
DeLong .....	.....	1	.....	.....
Denver .....	.....	.....	.....	1
Dickinson .....	.....	.....	.....	1
Eagan .....	.....	.....	.....	1
Edgerton .....	.....	1	.....	.....
Franklin .....	1	.....	.....	.....
Gallagher .....	1	.....	.....	.....
Harvey .....	.....	1	.....	.....
Haynes .....	.....	.....	.....	1
Hill .....	.....	1	.....	.....
Irwin .....	.....	1	.....	.....
Leet .....	.....	.....	.....	1
Logan .....	.....	.....	.....	1
Merritt .....	.....	.....	.....	1
Parks .....	.....	.....	.....	1
Phelps .....	.....	1	.....	.....
Pico .....	.....	.....	.....	1
Rhodes .....	.....	1	.....	.....
Shafter .....	.....	.....	1	.....
Thomas .....	1	.....	.....	.....
Thornton .....	1	.....	.....	.....
Vance .....	1	.....	.....	.....
Warmcastle .....	1	.....	.....	.....
Watkins .....	.....	.....	1	.....
Watson .....	.....	.....	1	.....
Watt .....	1	.....	.....	.....
Adams .....	.....	1	.....	.....
Amyx .....	.....	.....	.....	1
Avery .....	.....	1	.....	.....
Banks .....	.....	1	.....	.....
Burnell .....	.....	1	.....	.....

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Buell.....				1
Campbell .....		1		
Chandler. ....				1
Cherry .....			1	
Childs .....	1			
Clarke .....			1	
Coleman .....		1		
Coltrin .....		1		
Conness .....		1		
Crocker .....				1
Curtis.....				1
Dougherty .....		1		
Durst.....		1		
Eastman.....		1		
Fargo .....		1		
Flanders .....			1	
Ford .....		1		
Foster .....				1
Gordon .....			1	
Green .....		1		
Gregory .....			1	
Hagans .....			1	
Hanson .....				1
Harris.....	1			
Harrison.....				1
Haun.....			1	
Henderson .....		1		
Hill .....		1		
Holman .....				1
Horrell .....				1
Hunter .....		1		
Johnson .....	1			
Kungle .....				1
Kurtz .....			1	
Lalor.. .....			1	
Laspeyre .....				1
Lippincott .....	1			
Magruder .....				1
Miller .....	1			
Montgomery .....				1
Morgan.....			1	
Munday .....				1
O'Brien.....		1		
Patrick .....				1
Piercy .....				1
Porter .....			1	
Powell.....		1		
Ross .....				1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Scott.....	1			
Showalter.....				1
Smith of Placer.....		1		
Sorrel .....			1	
Tilden .....		1		
Tilton .....			1	
Tittel .....		1		
Walter .....		1		
White .....				1
Wiley.....			1	
Wood of Plumas.....				1
Wood of Yolo.....				1
Wright.....		1		

Mr. Gillette paired off with Mr. Morrison.

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Hammond received sixteen votes.

Mr. McKibbin received thirty-three votes.

Mr. Mathewson received seventeen votes.

Mr. Forman received thirty-two votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Porter offered the following resolution :

*Resolved*—That the public interest demands a strict construction of, and compliance with, the rule requiring that members should be within the bar when their names are called, to entitle them to vote....

Laid on the table.

#### BOUNDARY COMMISSIONER—FIFTH BALLOT.

The Secretary then called the roll for the fifth ballot with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank.....		1		
Chase.....		1		
Clark.....				1
Crittenden.....	1			
DeLong .....		1		
Denver .....				1
Dickinson .....				1

NAMES.	Hammond.	McKibbin.	Mathewson	Fortman...
Eagan.....				1
Franklin .....	1			
Gallagher.....	1			
Harvey .....		1		
Haynes.....				1
Heacock .....				1
Hill .....		1		
Irwin .....		1		
Leet.....				1
Logan.....				1
Merritt .....				1
Phelps.....			1	
Pico .....				1
Rhodes .....		1		
Shafter .....			1	
Thomas .....	1			
Thornton.....	1			
Vance .....	1			
Warmcastle.....	1			
Watkins .....			1	
Watson .....			1	
Watt.....	1			
Williamson .....	1			
Adams.....		1		
Amyx.....				1
Avery .....		1		
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs.....			1	
Burnell .....		1		
Buell.....				1
Campbell .....		1		
Chandler .....				1
Cherry.....			1	
Childs .....	1			
Clark.....			1	
Coltrin.....		1		
Conness .....		1		
Councilman .....		1		
Crocker .....				1
Curtis .....				1
Dougherty.....		1		
Durst.....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....			1	
Ford.....		1		

Mr. Sharp made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration report as follows:

Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers and Pledges—report the same back with the following amendments:

Section two, line four, between the words “advance” and “which,” insert the words “on all loans exceeding twenty dollars, or any one article.”

Section seven, line five, strike out the words “one thousand,” and insert the words “five hundred.”

Section seven, last line, strike out the words “one year,” and insert the words “six months”—

And recommend its passage as amended;

Also, Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty—report the same back with the accompanying amendments:

Strike out all after enacting clause and insert as follows:

“SECTION 1. Section eleven of the Act entitled An Act defining the rights of Husband and Wife, passed April seventh, eighteen hundred and fifty, is hereby amended so as to read as follows:

SEC. 11. Upon the dissolution of the community by the death of the husband one-half of the common property shall go to the surviving wife, and the other half to the descendants of deceased husband, the whole being subject to the payment of his debts. Upon the dissolution of the community by the death of the wife the entire common property shall go to the surviving husband. If there are no descendants of the husband one-half of the common property may be subject of testamentary disposition, and in the absence of any such disposition shall be the subject of distribution in the same manner as the separate property of the husband”—

And recommend its passage as amended;

Also, Senate Bill, No. 182, An Act to legalize and confirm certain Sales of the interest of the State of California in property situated in the City of San Francisco—report the same back and recommend that it be indefinitely postponed;

Also, Senate Bill, No. 251, An Act to authorize Mariah O'Connor, Administratrix of the estate of Michael T. O'Connor, deceased, to sell and convey Real Estate—and recommend its passage;

Also, Senate Bill, No. 240, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back with the accompanying amendments:

Strike out subdivision “No. 3.”

Strike out “No. 4,” and insert “No. 3.”

Strike out “No. 5,” and insert “No. 4.”

Strike out “No. 6,” and insert “No. 5.”—

And recommend its passage as amended.

SOL. A. SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Ryan made the following report:



**Mr. PRESIDENT:**—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 190, An Act to provide for the ascertaining and payment of the value of the interest of the State of California within the Water-Front of the City of San Francisco as defined in an act entitled An Act to provide for the disposition of certain property of the State of California, approved March twenty-sixth, eighteen hundred and fifty-one—have had the same under consideration and report it back recommending its indefinite postponement.

**JAS. T. RYAN,**  
Chairman.

Report received, and with bill, placed on file.

**Mr. Edgerton** made the following report:

**Mr. PRESIDENT:**—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 155, entitled An Act to appropriate Money to pay for services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp and Overflowed Lands of this State—have had the same under consideration and herewith report the same back to the Senate, with accompanying papers, recommending its passage.

**EDGERTON,**  
Chairman.

Report received, and with bill, placed on file.

**Mr. Pico** made the following report:

**Mr. PRESIDENT:**—The delegation to whom was referred Assembly Bill, No. 236, An Act to authorize the Board of Supervisors of San Diego County to levy a special Tax to be applied for County Jail purposes—have had the same under consideration and report it back recommending its indefinite postponement.

**PICO.**

Report received, and with bill, placed on file.

**Mr. Pico** also made the following report:

**Mr. PRESIDENT:**—The Los Angeles Delegation, to whom was referred Assembly Bill, No. 184, An Act to Fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's Warrants, or that may be outstanding on the first day of July, A. D. eighteen hundred and sixty-one, or Warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same—have had the same under consideration and beg leave to report the same back and recommend its passage without amendment.

**A. PICO,**  
Los Angeles Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

**Mr. Haynes** made the following report:

**Mr. PRESIDENT:**—Your Committee on Contingent Expenses, to whom were referred sundry accounts for newspapers furnished Senators—re-

port that they have examined the same, find them correct, and recommend the payment thereof out of the Contingent Fund of the Senate as follows :

Purpose.	Amount.
Wm. F. Hicks & Co. for sixteen copies Marysville Daily Express, from January 10th to March 14th.....	\$72 00
Democratic Age, for Session, four copies.....	12 00
Sonoma Democrat, for Session, one copy.....	2 50
Knight's Landing News, two copies.....	6 00
Democratic Signal, six copies.....	9 00
Solano Herald, one copy.....	3 00
Placer Courier, two copies.....	6 00
Placer Herald, one copy.....	3 00
Amador Ledger, six copies.....	18 00
Christian Advocate, four copies. ....	8 00
San Joaquin Republican, Daily and Weekly, to March 4th.....	9 50
Crescent City Herald, for Session, one copy.....	3 00
Jas. Anthony & Co. for Daily Union from March 4th to March 30th, thirty-six copies four weeks at fifty cents per week.	72 00
James Anthony & Co. for eighty-eight copies Weekly Union...	11 00
Total amount.....	\$235 00

Your committee also recommend the payment of the account of Watt & Co. for sundry articles furnished for the use of the Porter, amounting to the sum of eleven dollars and fifty cents;

Also, of Hermann Steinman for repairing and keeping in repair the Water-Tank and Filter for the sum of ten dollars.

J. P. HAYNES,  
Chairman.

Report adopted.

Mr. Clark made the following report :

MR. PRESIDENT:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 36, An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento—have had the same under consideration and report it back with amendments, the adoption of which they recommend, and when so amended they recommend its passage.

CLARK,  
HEACOCK.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Heacock made the following report :

MR. PRESIDENT:—The Sacramento Delegation, to whom was referred Senate Bill, No. 252—have had the same under consideration and report it back recommending its passage.

HEACOCK,  
For Delegation.

Report received, rules suspended, and considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Gallagher made the following report:

MR. PRESIDENT:—The delegation from Calaveras and Amador to whom was referred Senate Bill, No. 231, An Act to separate the office of County Recorder from that of County Clerk in Calaveras County—have had the same under consideration and beg leave to return the same with a substitute and recommend the passage of the substitute.

GALLAGHER,

For Delegation.

Report received, and with bill, placed on file.

Mr. Edgerton made the following report:

MR. PRESIDENT:—The undersigned to whom was referred Assembly Bill, No. 223, entitled An Act to separate the office of Recorder from the office of County Clerk in the County of Solano—has had the same under consideration and herewith report the same back to the Senate with a recommendation that it pass.

EDGERTON.

Report received, and with bill, placed on file.

Mr. Hill made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 171—report the same back without amendment and recommend its passage.

HILL.

Report received, and with bill, placed on file.

Mr. Phelps made the following report:

MR. PRESIDENT:—The San Francisco and San Mateo Delegation to whom was referred Assembly Bill, No. 309, An Act to authorize the modification or alteration of the grade of certain Streets in the City of San Francisco—have had the same under consideration and report the bill back with an amendment and recommend the adoption of the amendment and the passage of the bill as amended.

Amend by striking out all after the word "streets" in the eighth line of section one, and insert the words "and in the grade of Mission Street between Simmons and Price streets, and to so change the grade of Harris Street as to make it conform to the altered grade of Mission Street, and in the grade of that portion of the city and county bounded by Folsom and Third streets and the bay of San Francisco, as in their discretion they may deem proper; *provided*, that no change shall be made in the grade of any streets if a majority in interest of the owners of the block, or blocks, fronting on the street, or streets, where the change is proposed to be made, shall protest in writing against the same within ten days after the passage of the resolution of intention of the Board of Supervisors to make such change, or alteration, of grade."

T. G. PHELPS,

For the Delegation.

Report received, and with bill, placed on file.

Mr. Phelps also made the following report :

MR. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 247, An Act authorizing C. S. Higgins and his Associates and Assigns to lay down Gas Pipes in the City and County of San Francisco—have had the same under consideration and report the same back without amendment and recommend its passage.

T. G. PHELPS,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Hill made the following report :

MR. PRESIDENT :—The delegation, to whom was referred Assembly Bill, No. 244—report the same back without amendment and recommend its passage.

HILL.

Report received, and with bill, placed on file.

Mr. Phelps made the following report :

MR. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas Pipes in the City and County of San Francisco—have had the same under consideration and report the bill back with amendments and recommend the adoption of the amendments and the passage of the bill as amended.

Strike out all after the enacting clause and insert the following :

“SECTION 1. R. C. Page, W. A. Piper, and their associates and assigns, are hereby authorized to lay down gas pipes in the city and county of San Francisco, and through the streets thereof, and through said pipes to supply illuminating gas to the citizens and public buildings of said city and county, for the term of fifty years.

SEC. 2. In consideration of the rights above granted, the said grantees, and their associates and assigns, shall, within two years after the passage of this act, have erected the necessary buildings and apparatus for the supply of at least fifty thousand cubic feet of gas, in each twenty-four hours, and shall also have laid at least three miles of street main pipe, and shall through the same supply all the gas required of them by the government of said city and county, or either of them, to the City Hall, and also to such engine houses of said city and county as may be within two hundred feet of said street main pipes, such supply to be kept up during the continuance of this franchise and to be made free of charge.

SEC. 3. Within four years after the passage of this act, the said grantees, and their associates and assigns, shall have laid at least five miles additional of the street main pipes, and shall supply gas through the same.

SEC. 4. Whenever any of the streets of said city and county may be opened under authority of this act, they shall be replaced in as good condition as they were at the time of being opened, subject to the approval of the Superintendent of Streets and Highways of said city and county.

SEC. 5. If, under the privileges hereby granted, any injury shall be done to any water-pipes, gas-pipes, sewers, or drains, belonging to other parties in the said city and county, the amount of said damage, including losses of water, or gas, shall be assessed by the Superintendent of Streets and Highways, and paid by the grantees herein named.

SEC. 6. Under the provisions of this act the said grantees, and their associates and assigns, shall not erect any works, or apparatus, for the

manufacture of gas within the district bounded on the north by Greenwich street, on the west by Jones and Harris streets, and on the east by the water-front of said city and county.

SEC. 7. For the faithful performance of the terms of this act on the part of the grantees, their associates and assigns, they shall execute within three months from the passage of this act a bond in the sum of twenty thousand dollars, with two or more sureties, to be approved by the Judge of the Twelfth Judicial District of the State of California; and upon the forfeiture of said bond it shall be the duty of the Attorney of said city and county, and of District Attorney thereof to bring an action for the amount thereof, and upon recovery, to have the amount paid into the treasury of said city and county to be placed to the credit of the General Fund.

SEC. 8. This act shall be in force from and after its passage."

T. G. PHELPS,

For the Delegation.

Report received, and with bill, placed on file.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 29th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I return Senate Bill, No. 197, An Act to incorporate the Town of Grass Valley, with the following objections:

Article Four, Section Thirty-Seven, of the Constitution makes it "the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations."

Section five of this bill provides that "the people, by vote, at a formal election, shall have power to impose on the property of the town such rate of taxation as they may desire."

It was never the intention of the framers of the Constitution to give this unlimited power of taxation to the people; that power is wisely vested in the Legislature and cannot be transferred without constitutional restrictions.

I regard this bill as clearly unconstitutional, and respectfully return it for your reconsideration.

JOHN G. DOWNEY,

Governor.

The question being, Shall the bill pass notwithstanding the objections of the Governor? the ayes and noes were called with the following result: Ayes, 15—noes, 8:

AYES—Messrs. Chase, Clark, Crittenden, Dickinson, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Thornton, Warincastle, Watkins, Watson, and Watt—15.

NOES—Messrs. De Long, Denver, Hill, Rhodes, Shafter, Sharp, Vance, and Williamson—8.

So the veto was sustained and the bill did not pass.

## SPECIAL ORDERS.

Assembly Bills, Nos. 56, 57, and 157, together with Senate Bill, No. 97, being the first special order—were taken up.

On motion of Mr. De Long, made special order of the day for Tuesday, April second, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

Senate Bill, No. 80—was then taken up.

On motion of Mr. Phelps, made special order of the day for Thursday, April fourth, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

On motion of Mr. Leet, the usual number of copies of the bill, together with the amendments reported thereto, were ordered printed.

Mr. Gallagher, by leave, offered a report from the committee appointed to investigate into the voting in Joint Convention on the twentieth day of March, eighteen hundred and sixty-one, for the office of United States Senator.

Report received and read.

The question being upon the acceptance of the report and discharging the committee.

Mr. Parks moved that the report be returned to the committee with a request that they report to the Senate the facts connected with the alleged election of a United States Senator on the twentieth day of March, eighteen hundred and sixty-one, and the proper conclusions and deductions therefrom.

Mr. Logan arose to a point of order—That the report was made by a Joint Committee of the two Houses, therefore it was not in the province of this Senate to rerefer.

The Chair ruled the point of order well taken.

Mr. Parks appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?—was put, and lost.

So the Chair was not sustained.

The question recurring on the motion to recommit, the ayes and noes were demanded by Messrs. Edgerton, Chase, and Watt, and taken with the following result: Ayes, 19—noes, 7:

**AYES**—Messrs. Burbank, Chase, Clark, Crittenden, De Long, Edgerton, Harvey, Haynes, Heacock, Hill, Meritt, Parks, Pico, Rhodes, Ryan, Shafter, Sharp, Vance, and Watkins—19.

**NOES**—Messrs. Denver, Eagan, Franklin, Leet, Logan, Thornton, and Williamson—7.

So the motion prevailed, and the report was recommitted to the special committee.

Mr. Gallagher, on his own motion, was excused from further serving on the committee.

Whereupon, the President appointed Mr. Edgerton in his place.

## INTRODUCTION OF BILLS.

Mr. De Long, by leave, introduced a bill for An Act to exempt the Odd Fellows Hall from taxation.

Read first and second times, and referred to the Yuba Delegation.

Mr. Harvey, by leave, introduced a bill for An Act to fix the times during which the present Collector of El Dorado County may hold his office.

Read first and second times, and referred to the El Dorado Delegation.

Mr. Merritt, by leave, introduced a bill for An Act to establish the Mineral and Geological Department of the State of California.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

Mr. Chase, by leave, introduced a bill for An Act to support and maintain a Fire Department in the City of Nevada.

Read first and second times, and referred to the Nevada Delegation.

Mr. Denver, by leave, introduced a bill for An Act fixing the Salaries of State Officers and Clerks.

Read first and second times, and placed on file.

Mr. Ryan, by leave, introduced a bill for An Act amendatory of, and supplementary to, an Act entitled An Act to afford protection to Immigrants.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Burbank, by leave, introduced a bill for An Act to protect the inventors and designers of Plaster Ornaments for House Decorations, Interior and Exterior Ornaments, for Houses and other Buildings.

Read first and second times, and referred to the Committee on Manufactures.

On motion of Mr. Logan, the Concurrent Resolution introduced by himself relative to the Joint Convention held on the twentieth of March, eighteen hundred and sixty-one—was taken up, and made the special order of the day for to-morrow at half past eleven o'clock, A. M.

On motion of Mr. Merritt, Senate Bill, No. 99, was taken from the unfinished business and placed at the top of the file.

On motion of Mr. Logan, Senate Bill, No. 26—was taken up, and made the special order of the day for Monday next at half past eleven o'clock, A. M.

#### GENERAL FILE.

Assembly Bill, No. 64, An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—was taken up, and considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill read a third time, and passed.

Senate Bill, No. 204, An Act amendatory of, and supplemental to, An Act, passed April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases—was taken up, read a third time, and passed, and the title amended.

Senate Bill, No. 126—was taken up.

On motion of Mr. Warmcastle, made the special order of the day for Tuesday next, April second, eighteen hundred and sixty-one, at one o'clock, P. M.

Mr. Sharp made the following report:

MR. PRESIDENT:—The Committee on the Judiciary have had under consideration the special message of his Excellency the Governor, of March sixteenth, eighteen hundred and sixty-one, and the accompanying communication from the Attorney-General, and make this their report.

It is found that under the statute levying a tax upon foreign and inland bills, etc. etc. a large sum of money has been paid into the State treasury, some part of which has been paid under protest made at the

time of payment to the various officers by whom the final issue of the stamped paper was made.

Suits to recover a large sum thus paid are threatened, and one action in favor of Messrs. Wells, Fargo & Co. for the sum of six thousand four hundred and forty dollars and interest, has already been brought against the State Treasurer, and some others against the Treasurer of the city and county of San Francisco it is said have likewise been commenced.

The most favorable state of facts for the plaintiffs is where money has been paid under protest, and when the money remains in the hands of the defendant of the action, he being the party to whom the money was paid.

That money can be recovered which has been paid under mistake, or fraudulent imposition, or duress of person, or goods, is abundantly established.

In all these cases, however, the mistake must be of fact, the fraud must have influenced the payment, or there must have been actual caption, or duress of person, or goods, or threats of duress, accompanied with power to enforce it.

In the opinion of the committee none of these circumstances exist in the cases occurring under the cases above specified.

The impost upon stamped paper, at least so far as bills of lading are concerned, has been adjudged unconstitutional, and it seems necessarily to follow as to such bill of lading that no person was in danger in violating the statute making such impost. The act of issuing such bills of lading being in the prosecution of a business without any legal prohibition. If the impost upon bills of exchange differs from that upon bills of lading, the difference must be in favor of the former.

Under such circumstances no person was under the slightest obligations, legal, or moral, to pay the demanded impost, or to purchase the paper upon which the stamp had been placed.

An illegal and vexatious prosecution would have been the only result of refusal so to purchase, and against such prosecution through the consequence of improvident legislation the law furnishes adequate protection.

It may seem harsh to retain money which has been illegally, or oppressively exacted, but it must be borne in mind that in this State such exactions are too general to admit of adequate redress, and it is further to be considered that the persons who have made the payment of the illegal impost are most of them already reimbursed from those to whom they have made sale of the stamped exchange, or other paper.

The committee do not consider that the question involved in the original imposition of the stamp tax was one of very great difficulty, and they are disinclined to recommend any steps which shall put those who reluctantly submit to extortion upon an equality with those who resist such means by legal defense interposed upon the first attempt to commit it.

Believing that there is no liability on the part of the officers who have received this tax to refund it, and that there is no equitable claim against the State, your committee recommend the passage of the accompanying resolution.

SHARP,  
Chairman.

Report accepted.

Mr. Shafter offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Attorney-General be requested in his official capacity to aid all officers of the State, or any county, in making a defense to all suits brought to recover money paid for stamped paper under statutes of the State.

Adopted.



Senate Bill, No. 49—was taken up, and made special order of the day for Thursday next at half past eleven o'clock, A. M.

Mr. Merritt offered the following resolution :

*Resolved*, That the Judiciary Committee of the Senate be directed to report to the Senate at as early a day as possible such amendments to the act imposing a stamp tax as in their opinion will avoid any constitutional objections to the same.

Adopted.

On motion of Mr. De Long, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest : C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 30th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion, two days' leave of absence was granted to Senators Warmcastle, De Long, Franklin, and Phelps.

## REPORTS.

Mr. Shafter, from the Judiciary Committee, made a verbal report on Senate Bill, No. 163, An Act to punish Trespassers—recommending the passage of a substitute therefor.

Report received, and substitute, with bill, placed on file.

Mr. Chase, from the Nevada Delegation, reported back, verbally, Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada—with a recommendation that it do pass without amendment.

Report accepted, and bill placed on file.

Mr. Heacock made the following report :

Mr. PRESIDENT :—The Committee on Enrolled Bills beg leave respectfully to report that they have carefully examined the following bills and find them correctly enrolled :

Senate Bill, No. 104, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento ;

Also, Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco ;

Also, Senate Bill, No. 129, An Act appropriating Money for the benefit of certain Orphan Asylums in this State—and that on the twenty-ninth

day of March, A. D. eighteen hundred and sixty-one, at half past three o'clock, P. M. delivered the same to the Governor for his approval.

HEACOCK,  
For Committee.

Report accepted.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs;

Also, Senate Bill, No. 139, An Act to amend an Act passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Shafter made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration report as follows :

Senate Bill, No. 165, An Act relating to Estrays—recommend its indefinite postponement ;

Also, Senate Bill, No. 227, An Act concerning Telegraphic Messages and to secure secrecy and fidelity in the transmission thereof—and recommend its passage.

SHAFTER,  
For Committee.

Report received, and with bills, placed on file.

Mr. Ryan made the following report :

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 219, An Act to repeal An Act to declare Feather River Navigable, approved March the fourteenth, eighteen hundred and fifty-seven—have had the same under consideration and report it back without amendments recommending its passage.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Haynes made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 198, entitled An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty—reports back said bill and recommends that it be indefinitely postponed.

J. P. HAYNES,  
Of the Delegation.

Report received, and with bill, placed on file.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1861. }

*To the Honorable the Senate of California :*

I transmit herewith a communication from Charles S. Boggs, Commander, United States Navy, and Inspector of Lights for the Twelfth

Light-House District, calling attention to the condition of buoys in the harbor of San Francisco, and respectfully ask that your honorable body will give this matter such consideration as the importance of the subject would seem to demand.

JOHN G. DOWNEY,  
Governor.

Message received, and with communication, referred to the Committee on Commerce and Navigation.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark the Boundary Line of this State.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 30th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty;

Also, Senate Bill, No. 56, An Act to grant to certain parties the right to supply the people of Red Bluff with Gas.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 30th, 1861. }

Mr. PRESIDENT:—The House on the twenty-seventh instant, passed Assembly Bill, No. 266, An Act in relation to the burning of Bricks in the City and County of San Francisco ;

Also, Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City and County of Sacramento ;

Also, Assembly Bill, No. 192, An Act to provide for the annulling of the certificates of purchase of Lands sold on a credit and declared forfeited for the nonpayment of interest or principal, and for the relief of purchasers of Swamp and Overflowed Lands ;

Also, on the twenty-fifth instant, passed Assembly Bill, No. 51, An Act to provide for the Reclamation of Swamp and Overflowed Lands donated to the State of California by Act of Congress ;

Also, on the twentieth instant, passed Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul in the County of Monterey ;

Also, on the twenty-fifth, Assembly Bill, No. 258, An Act to grant the right to construct a Bridge across the American River to certain parties ;

Also, on the twenty-ninth, Assembly Bill, No. 212, An Act to authorize

the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same and other matters relating thereto;

Also, Assembly Bill, No. 224, An Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same and other matters relating thereto;

Also, on the twenty-ninth, adopted the report of Conference Committee on Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte;

Also, passed Senate Bill, No. 195, An Act defining the time of holding the Court of Sessions in the County of Fresno;

Also, Assembly Bill, No. 329, An Act to amend Section Thirty-Six of An Act entitled an Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

Also, on the eighteenth instant, passed Assembly Bill, No. 47, An Act supplementary to An Act concerning Passengers arriving in the Ports of the State of California, approved May third, eighteen hundred and fifty-two;

Also, Assembly Bill, No. 294, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Lone City in the County of Amador;

Also, has this day adopted Concurrent Resolution, No. 44, Relative to a Senatorial Joint Convention, and ask the concurrence of the Senate;

Also, have concurred in Senate amendments to Assembly Bill, No. 64, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, have this day passed Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe Three Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same and other matters relating thereto, with amendments.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 266, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 110, above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 192, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Mr. Leet gave notice that he would on Monday next move a reconsideration of the vote just had by which the bill passed.

Assembly Bill, No. 54, above reported—was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill, No. 122, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 258, above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 329 above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 47, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 294, above reported—was read first and second times, and referred to the Senator from Amador.

Assembly Resolution, No. 44, was read.

Mr. Gallagher moved to lay the resolution on the table.

Lost.

The question being on concurring, the ayes and noes were demanded by Messrs. Leet, Gallagher, and Logan, and taken with the following result: Ayes, 19—noes, 2:

AYES—Messrs. Burbank, Chase, Denver, Dickinson, Edgerton, Gallagher, Harvey, Haynes, Hill, Irwin, Leet, Logan, Parks, Rhodes, Ryan, Sharp, Thomas, Vance, and Watt—19.

NOES—Messrs. Shafter and Williamson—2.

So the resolution was concurred in.

Assembly Bill, No. 212, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 224, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Senate Bill, No. 160, above reported—was taken up, and Assembly amendments concurred in.

Mr. Merritt moved a call of the Senate.

Agreed to.

Roll called.

Sergeant-at-Arms dispatched for absentees.

Absent—Messrs. Clark, Crittenden, De Long, Denver, Eagan, Franklin, Heacock, Hill, Parks, Phelps, Pico, Thomas, Warmcastle, Watkins, Watson, and De la Guerra.

On motion of Mr. Logan, further proceedings thereunder were dispensed with.

Mr. Merritt made the following report:

MR. PRESIDENT:—The undersigned to whom was referred Assembly Bill, No. 270—has had the same under consideration and begs leave to

report the same back and recommend its passage without amendment. All of which is respectfully submitted.

SAML. A. MERRITT,  
Senator Sixth District.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

Mr. Edgerton presented the report of N. L. Broughton, Inspector of Salt Provisions at San Francisco.

Report received, and referred to the Judiciary Committee.

#### GENERAL FILE.

Mr. Harvey in the Chair.

Senate Bill, No. 99, An Act to audit and allow a claim of John F. McCauley against the State—was taken up.

Mr. Gallagher moved to make the bill the special order of the day for Wednesday next at two o'clock, P. M.

Lost.

On motion of Mr. Merritt, the bill was returned to the top of the file.

On motion of Mr. Eagan, the Committee on Claims were requested to report the claim of Wm. Stone Botts that it might be referred to the Judiciary Committee.

Mr. Parks moved to amend the resolution that passed the Senate some days since allowing the Committee on Enrolled Bills of the Senate to employ a Clerk, by adding "that said salary be payable out of the Fund for the payment of officers and Clerks of the Senate."

Agreed to, and the resolution so amend.

Mr. Eagan asked, and obtained leave, to record his vote on the adoption of the Assembly Concurrent Resolution, relative to going into Joint Convention on Tuesday, April second, eighteen hundred and sixty-one, at two o'clock, P. M. for the purpose of electing a United States Senator.

Whereupon, after recording his vote in the affirmative, he gave notice that he would on Monday next move a reconsideration of the vote by which the resolution was adopted.

On motion of Mr. Logan, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Monday, April 1st, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

## REPORTS.

Mr. Clark, Chairman of the Finance Committee, made a verbal report recommending that the Senate concur in Assembly Concurrent Resolution, No. 39, Relative to the pay for Translation of Laws, etc.

Report received, and resolution concurred in.

Mr. Eagan, from the Amador Delegation, made a verbal report on Assembly Bill, No. 294, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Lone City in the County of Amador—recommending its passage without amendment.

Report received, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, read a third time, and passed.

Mr. Gallagher made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate, and find due the Secretary of the Senate for copying tabular statements and statistics four hundred and seventy-eight dollars.

P. A. GALLAGHER,  
For Committee.

March 30th, 1861.

Mr. Heacock made the following report:

Mr. PRESIDENT:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 329—have had the same under consideration and report the same back with the following amendments, and recommend its passage:

Insert an enacting clause.

After the enacting clause insert as follows:

“SECTION 1. Section thirty-six of said act is amended so as to read as follows.”

HEACOCK,  
For Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole, and amendments reported by the committee adopted.

## IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Mr. Clark from the Sacramento Delegation made a verbal report recommending that Senate Bill, No. 214, An Act to provide for the survey and construction of a Wagon Road from Sacramento City to Empire Ranch, be referred to the Committee on Roads and Highways.

Report received, and bill so referred.

Senate Bill, No. 26—being special order of the day, was taken up.

On motion of Mr. Logan, made special order for Thursday next at half past eleven o'clock, A. M.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
April 1st, 1861. }

Mr. PRESIDENT:—The Assembly on Saturday, March thirtieth, concurred in Senate amendments to Assembly Bill, No. 224, An Act to authorize

the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same and other matters relating thereto;

Also, concurred in Senate amendments to Assembly Bill, No. 212, An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same and other matters relating thereto;

Also, concurred in Senate amendments to Assembly Bill, No. 89, An Act regulating Fees in Office in the County of Los Angeles;

Also, concurred in Senate Concurrent Resolution, No. 39, Relative to the Attorney-General;

Also, passed Senate Bill, No. 217, An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty;

Also, Senate Bill, No. 151, An Act for the relief of William Greenhood;

Also, Assembly Bill, No. 320, An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty;

Also, concurred in Senate amendments to Assembly Bill, No. 156, An Act amendatory of, and supplementary to, An Act to provide for Funding the Outstanding Debt of the City of Oakland and to prevent the creation of new Debts by said City;

Also, concurred in Senate amendments to Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa;

Also, passed Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty;

Also, Assembly Bill, No. 80, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April, eighteen hundred and sixty;

Also, Assembly Bill, No. 144, An Act prescribing a certain duty of the Auditor of the City and County of Sacramento;

Also, concurred in Senate amendments to Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special Tax for building purposes, and to levy an additional Tax for County purposes in said County;

Also, concurred in Senate amendment to Assembly Bill, No. 266, An Act in relation to the burning of Bricks in the City and County of San Francisco;

Also, passed Concurrent Resolution in relation to the appointment of three Commissioners to report to the next Legislature relative to the improvement and growth of the Grape-Vine in California;

Also, non-concurred in Senate amendments to Assembly Bill, No. 192, An Act to provide for the annulling of certificates of purchase of Lands sold on a credit and declared forfeited, etc. and have appointed a Committee of Free Conference on the disagreeing vote consisting of Messrs. Conness, Showalter, and Wood of Yolo.

J. M. ANDERSON,

Clerk.

The Chair appointed as Committee of Conference on the part of the Senate Messrs. Edgerton, Clark, and Rhodes.

Assembly Concurrent Resolution, No. 39, above reported—was read, and concurred in.



Assembly Bill, No. 320, above reported—was read first and second times, and referred to the Senator from Placer.

Assembly Bill, No. 187, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 80, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 144, above reported—was read first and second times, and referred to the Sacramento Delegation.

#### INTRODUCTION OF BILLS.

Mr. Eagan, by leave, introduced a bill for An Act appropriating Money for the payment of the Copying of the Legislature during the Twelfth Session.

Read first and second times, rules suspended, and bill further considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, and bill considered engrossed, read a third time, and passed.

Mr. Watt, by leave, introduced a bill for An Act to incorporate the Town of Grass Valley.

Read first and second times, rules suspended, and bill further considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Chase, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Logan, by leave, introduced a bill for An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co.

Read first and second times, and referred to the Judiciary Committee.

Mr. Logan, by leave, also introduced a bill for An Act to repeal an Act entitled An Act requiring the Controller of State to sign certain Blanks and to appoint a Deputy for that purpose.

Read first and second times, and referred to the Finance Committee.

Mr. Rhodes, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of Turnpike Roads.

Read first and second times, rules suspended, and bill further considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules further suspended, bill considered engrossed; read a third time, and passed.

Mr. Chase offered the following resolution :

*Resolved*, That the Committee on Federal Relations be instructed to inquire and report to the Senate at the earliest practicable period: *First*—Whether the Act of Congress creating the Territory of Nevada proposes to change the boundary line of California *Second*—If so, to what extent such change is proposed to be made, as near as can be ascertained. *Third*—What action, if any, should be had by the State in relation to such change.

Adopted.

Mr. Eagon, pursuant to notice, moved to reconsider the vote by which the Senate, on Saturday, concurred in Assembly Concurrent Resolution Relative to a Joint Convention for the purpose of electing a United States Senator.

Upon which, the ayes and noes were demanded by Messrs. Heacock, Clark, and Leet, and taken with the following result: Ayes, 5—noes, 14:

**AYES**—Messrs. Crittenden, Eagan, Gallagher, Watson, and Watt—5.

**NOES**—Messrs. Chase, Clark, Dickinson, Haynes, Heacock, Hill, Irwin, Leet, Logan, Rhodes, Ryan, Sharp, Watkins, and Vance—14.

So the motion was lost, and the Senate refused to reconsider.

#### GENERAL FILE.

Senate Bill, No. 179, An Act to authorize the parties therein named, to construct and maintain a Ferry and Wharfs—was taken up, read a third time, and passed.

Senate Bill No. 231, An Act to separate the office of County Recorder from the office of County Clerk, in Calaveras County—was taken up.

On motion of Mr. Gallagher, the substitute reported from the delegation was adopted, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time and passed.

Senate Bill, No. 99—was taken up and ordered placed at the head of the file for to-morrow.

Senate Bill, No. 201—was taken up and placed second on the file for to-morrow.

On motion of Mr. Clark, leave of absence was granted to Mr. Heacock for one day.

On motion of Mr. Edgerton, leave of absence was granted to Mr. Denver for one day.

On motion of Mr. Sharp, the rules were suspended, and Assembly Bill, No. 171, An Act for the relief of Marin County—was taken up and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 235, An Act to appropriate Money to pay the claim of Wells, Fargo & Co.—was taken up.

Mr. Logan moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Chase, Clark, Dickinson, Eagan, Irwin, Leet, Rhodes, Sharp, Thomas, Thornton, Vance, Watkins, Watson, Watt, and Williamson.

After some time spent under the call, on motion of Mr. Edgerton, further proceedings under the call were dispensed with.

Mr. Watt moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Ryan, Rhodes, and Haynes, and taken with the following result: Ayes, 10—noes, 9:

**AYES**—Messrs. Chase, Clark, Eagan, Irwin, Logan, Thornton, Watkins, Watson, Watt, and Williamson—10.

NOES—Messrs. Dickinson, Edgerton, Haynes, Hill, Leet, Rhodes, Ryan, Sharp, and Vance—9.

So the motion prevailed, and the Senate adjourned.

RICHARD IRWIN.

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, April 2d, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Absent—Messrs. Clark, Crittenden, and De Long.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims, to whom was referred the claim of E. J. Sanders, et al. for services rendered in transportation of Arms, etc.—have had the same under consideration, and recommend its passage.

WATKINS,  
EAGAN,  
For Committee.

On motion of Mr. Thornton, the rules were suspended, and the bill reported by the Committee was taken up, read first and second times, rules further suspended, bill considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back with amendments, amendments concurred in, rules further suspended, bill considered engrossed, and read a third time.

On motion of Mr. Leet, the vote by which the bill was engrossed, was reconsidered, and the bill referred to a Special Committee of three, consisting of Messrs. Leet, Heacock, and Thornton.

## SPECIAL ORDERS.

Assembly Bills, Nos. 56, 57, and 157, and Senate Bill, No. 97, Relative to Railroads in San Francisco.

Mr. Parks arose to a point of order: That according to the standing rules of the Senate, the general file takes precedence of all other orders, at the hour of twelve, M.

The Chair decided the point of order not well taken.

Mr. Parks, appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Merritt, Chase, and Parks, and taken with the following result: Ayes, 15—noes, 16:

**AYES**—Messrs. Chase, De Long, Eagan, Harvey, Heacock, Hill, Leet, Logan, Phelps, Ryan, Sharp, Thomas, Thornton, Watkins, and Watson—15.

**NOES**—Messrs. Clark, Crittenden, Denver, Dickinson, Franklin, Gallagher, Haynes, Merritt, Parks, Pico, Rhodes, Shafter, Vance, Warmcastle, Watt, and Williamson—16.

So the decision of the Chair was not sustained.

Mr. Crittenden moved that the rules be suspended, and that the bills above referred to be taken up.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Chase, and Crittenden, and taken with the following result: **Ayes**, 27—**noes**, 7:

**AYES**—Messrs. Burbank, Chase, Clark, Crittenden, De Long, Denver, Dickinson, Eagan, Edgerton, Franklin, Harvey, Heacock, Hill, Irwin, Leet, Logan, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Warmcastle, Watkins, and Watson—27.

**NOES**—Messrs. Gallagher, Haynes, Merritt, Parks, Pico, Watt, and Williamson—7.

So the motion was carried.

The bills were then taken up, and Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back.

Pending its consideration, the following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 2d, 1861. }

Mr. PRESIDENT:—The Assembly is now ready to receive the Senate in Joint Convention, for the election of a United States Senator.

J. M. ANDERSON,  
Clerk of the Assembly.

On motion of Mr. Merritt, the Senate took a recess for five minutes.

The Senate reassembled at the time appointed, and on motion of Mr. Dickinson, proceeded to the Assembly Chamber.

#### IN JOINT CONVENTION.

In accordance with a Concurrent Resolution adopted by both Houses, the Senate and Assembly met in Joint Convention.

Hon. R. Irwin, President *pro tem.* of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. De la Guerra.

House roll called.

Absent—Messrs. Clarke, Montgomery, and Ross.

The Secretary of the convention read the resolution by which the convention assembled.

Mr. Amyx offered the following resolution:

*Resolved*, By the convention, that all persons, except members, State

officers, and the attachés of the Legislature, be excluded from within the bar of the House during the sitting of the convention.

Adopted.

On motion of Mr. Parks, the Senate Rules were adopted, with the exception of Rule, No. 27.

On motion of Mr. Patrick, two Tellers were appointed.

The President appointed Messrs. Thornton of the Senate, and Henderson of the House, as such Tellers.

On motion of Mr. Gallagher, each member was requested, when his name was called, to rise in his place and announce in a distinct voice the person for whom he votes.

The Secretary read a communication from Gen. James A. McDougall, relinquishing all claims he might have under the proceedings of a Joint Convention, held on the twentieth of March, eighteen hundred and sixty-one.

Nr. Laspeyre offered the following resolutions:

*Resolved*, That the late Joint Convention of the two Houses of the Legislature, commencing on the ninth day of March, eighteen hundred and sixty-one, and ending on the twentieth day of the same month, did not result in the election of a United States Senator, no candidate having received a majority of all the votes given on any one ballot.

*Resolved*, That inasmuch as a certificate of election, in favor of James A. McDougall, signed by the President of the Senate and the Speaker of the Assembly, the two officers presiding over said convention, is now in the hands of the Governor, and inasmuch as such certificate was signed by the officers aforesaid, through ignorance of the fact that Mr. McDougall had received less than a majority of all the votes given; therefore—

*Resolved*, That the President of the Senate, and the Speaker of the Assembly, be requested to withdraw from the hands of the Governor and cancel such certificate of election so erroneously issued.

The Chair ruled the resolutions out of order.

Mr. Laspeyre appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the convention?

Upon which, the ayes and noes were demanded by Messrs. Crittenden, Thornton, and Edgerton.

Pending which, Mr. Wood of Plumas, moved the previous question.

Mr. Conness rose to a point of order: It was not in order to entertain the motion for the previous question when an appeal was pending.

The Chair ruled the point of order not well taken.

Mr. Shafter appealed from the decision of the Chair.

Upon which, the ayes and noes were demanded by Messrs. Franklin, Chase, and Conness, and taken with the following result: Ayes, 31—noes, 70:

**AYES**—Messrs. Burbank, Chase, Eagan, Hayes, Rhodes, Sharp, Vance, Watson, Adams Blair, Burnell, Buell, Cherry, Councilman, Denniston, Dougherty, Flanders, Gordon, Hagans, Lippincott, Morgan, O'Brien, Piercy, Powell, Smith of Tulare, Stearns, Tittel, Walter, White, Willey, Wood of Plumas, and Wright—31.

**NOES**—Messrs. Clark, Crittenden, De Long, Denver, Dickinson, Edgerton, Franklin, Gallagher, Harvey, Heacock, Hill, Leet, Logan, Merritt,

Parks, Pico, Ryan, Shafter, Thomas, Thornton, Warmcastle, Watt, Williamson, Amyx, Avery, Bradley, Briggs, Campbell, Chandler, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Curtis, Durst, Eastman, Fargo, Ford, Foster, Gillette, Green, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Munday, Patrick, Porter, Scott, Showalter, Smith of Placer, Sorrel, Spence, Tilden, and Wood of Yolo—70.

So the Chair was not sustained.

The question being upon the appeal of Mr. Laspeyre, upon which the ayes and noes had been demanded,

Mr. White moved that the convention adjourn to Wednesday, April third, at twelve, M.

Upon which, the ayes and noes were demanded by Messrs. Ryan and Merritt of the Senate, and White of the House, and taken with the following result: Ayes, 30—noes, 75:

**AYES**—Messrs. Clark, Crittenden, Denver, Eagan, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watt, Williamson, Coleman, Foster, Gillette, Hanson, Haun, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Munday, Scott, Showalter, White, and Wood of Plumas—30.

**NOES**—Messrs. Burbank, Chaso, De Long, Dickinson, Edgerton, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Watson, Adams, Amyx, Avery, Banks, Blair, Bradley, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Gregory, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Miller, Morgan, O'Brien, Patrick, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wood of Yolo, and Wright—75.

So the convention refused to adjourn.

The question again recurring on the appeal of Mr. Laspeyre from the decision of the Chair, the vote was taken with the following result: Ayes, 67—noes, 35:

**AYES**—Messrs. Burbank, Chaso, Clark, De Long, Denver, Edgerton, Harvey, Haynes, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Coleman, Coltrin, Conness, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Hagans, Harriman, Harris, Hill, Holman, Horrell, Hunter, Johnson, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, and Wright—67.

**NOES**—Messrs. Crittenden, Dickinson, Eagan, Franklin, Gallagher, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Childs, Curtis, Gillette, Hanson, Harrison, Haun, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Munday, O'Brien, Patrick, Scott, Showalter, Sorrel, and Wood of Yolo—35.

So the decision of the Chair was sustained.

Mr. Conness offered the following resolution, which was adopted:

*Resolved*, That his Excellency the Governor is requested to return to the Joint Convention, now in session for the purpose of electing a United States Senator, the certificate of election now in the Executive Department, which sets forth that James A. McDougall was, on the twentieth of March, eighteen hundred and sixty-one, elected United States Senator of the State of California, for the term of six years from the fourth of March last.

Upon which, Mr. Crocker moved the previous question, which was seconded.

So the main question was sustained.

The question then being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Conness, Thornton, and Shafter, and taken with the following result: Ayes, 76—noes, 29:

**AYES**—Messrs. Clark, Crittenden, De Long, Denver, Dickinson, Egan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Merritt, Parks, Pico, Ryan, Sharp, Thomas, Thornton, Vance, Warmcastle, Watt, Williamson, Amyx, Bradley, Briggs, Burnell, Buell, Chandler, Cherry, Childs, Conness, Covarrubias, Crocker, Curtis, Denniston, Eastman, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Miller, Morrison, Munday, O'Brien, Patrick, Porter, Powell, Scott, Showalter, Smith of Tulare, Sorrel, Tilden, Tittel, Wood of Plumas, Wood of Yolo, and Wright—76.

**NOES**—Messrs. Burbank, Chase, Phelps, Rhodes, Shafter, Watson, Adams, Avery, Banks, Blair, Campbell, Coleman, Coltrin, Councilman, Dougherty, Durst, Fargo, Flanders, Ford, Harriman, Lippincott, Morgan, Percy, Smith of Placer, Spence, Tilton, Walter, White, and Willey—29.

So the resolution was adopted.

Mr. Merritt moved that the convention adjourn, to meet on Thursday, April fourth, at twelve, m.

Mr. Wood moved to amend, that the convention adjourn to Wednesday, April third, at twelve m.

Upon which, the ayes and noes were demanded by Messrs. Merritt and Crittenden of the Senate, and Haun of the House, and taken with the following result: Ayes, 28—Noes, 76:

**AYES**—Messrs. Crittenden, Dickinson, Egan, Franklin, Leet, Logan, Merritt, Pico, Thornton, Watt, Williamson, Bradley, Coleman, Coltrin, Hanson, Harris, Harrison, Hill, Johnson, Kungle, Lalor, Munday, Patrick, Scott, Showalter, White, Wood of Plumas, and Wood of Yolo—28.

**NOES**—Messrs. Burbank, Chase, Clark, De Long, Denver, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Warmcastle, Watson, Adams, Amyx, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Haun, Henderson, Horrell, Hunter, Laspeyre, Lippincott, Magruder, Miller, Morgan, Morrison, O'Brien, Percy, Porter, Powell, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Tilton, Tittel, Walter, Willey, and Wright—76.

So the motion was lost.

The question being on the motion of Mr. Merritt, the ayes and noes were demanded by Messrs. Edgerton, De Long, and Merritt, and taken with the following result: Ayes, 46—noes, 62:

**AYES**—Messrs. Crittenden, De Long, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watson, Watt, Williamson, Amxy, Bradley, Chandler, Conness, Foster, Gillette, Green, Gregory, Hansen, Harris, Harrison, Haun, Henderson, Horrell, Johnson, Kungle, Kurtz, Lator, Laspeyre, Magruder, Morrison, Munday, O'Brien, Patrick, Scott, Showalter, Sorrell, Wood of Yolo, and Wright—46.

**NOES**—Messrs. Burbank, Chase, Clark, Denver, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Hagans, Harriman, Hill, Holman, Hunter, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, and Wood of Plumas—62.

So the motion was lost.

Mr. Smith of Tulare, moved that the Convention proceed to ballot for United States Senator.

Pending which, Mr. Showalter moved that the Convention adjourn on Thursday, April fourth, at one o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Showalter, Wood, and O'Brien, and taken with the following result: Ayes, 41—noes, 64.

**AYES**—Messrs. Crittenden, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Foster, Gillette, Gregory, Hanson, Harris, Harrison, Haun, Horrell, Kungle, Kurtz, Lator, Laspeyre, Magruder, Morrison, Munday, O'Brien, Scott, Showalter, Sorrell, Wood of Yolo, and Wright—41.

**NOES**—Messrs. Burbank, Chase, Clark, De Long, Denver, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Hagans, Harriman, Hill, Holman, Hunter, Lippincott, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Walter, White, Willey, and Wood of Plumas—64.

So the motion was lost.

Mr. Wood of Plumas, moved the previous question.

The question being shall the main question now be put.

Upon which, the ayes and noes were demanded by Messrs. Chase and Burbank of the Senate, and Fargo of the House, and taken with the following result: Ayes, 66—noes, 37:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Edgerton, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Hagans, Harriman, Hill, Hunter, Johnson, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, and Wright—66.



NOES—Messrs. Crittenden, Denver, Eagan, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watson, Watt, Williamson, Amyx, Bradley, Foster, Gillette, Gregory, Hanson, Harris, Harrison, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Munday, O'Brien, Patrick, Scott, Showalter, Sorrel, and Wood of Yolo—37.

So the main question was sustained.

The question then being on the motion of Mr. Smith.

Carried.

FOR U. S. SENATOR—FIRST BALLOT.

The Secretary called the roll for the first ballot with the following result:

NAMES.	McDougall	Nugent ...	Weller ....
Burbank .....	1	.....	.....
Chase .....	1	.....	.....
Clark .....	1	.....	.....
Crittenden .....	.....	1	.....
DeLong .....	1	.....	.....
Denver .....	.....	1	.....
Dickinson .....	.....	1	.....
Eagan .....	.....	1	.....
Edgerton .....	1	.....	.....
Franklin .....	.....	.....	1
Gallagher .....	.....	1	.....
Harvey .....	1	.....	.....
Heacock .....	1	.....	.....
Irwin .....	1	.....	.....
Logan .....	.....	1	.....
Merritt .....	.....	1	.....
Parks .....	.....	.....	1
Phelps .....	1	.....	.....
Pico .....	.....	1	.....
Rhodes .....	1	.....	.....
Ryan .....	1	.....	.....
Shafter .....	1	.....	.....
Sharp .....	1	.....	.....
Thomas .....	1	.....	.....
Thornton .....	.....	1	.....
Vance .....	1	.....	.....
Warmcastle .....	.....	1	.....
Watson .....	.....	1	.....
Watt .....	.....	1	.....
Williamson .....	.....	1	.....
Amyx .....	.....	.....	1
Avery .....	1	.....	.....
Banks .....	1	.....	.....
Blair .....	1	.....	.....
Bradley .....	.....	1	.....
Briggs .....	1	.....	.....

## NAMES.

	McDougall	Nugent...	Weller....
Burnell.. .....	1		
Campbell.....	1		
Cherry.....	1		
Childs.....		1	
Coleman.....	1		
Coltrin.....	1		
Conness.....	1		
Councilman.....	1		
Covarrubias.....	1		
Crocker .....	1		
Curtis.....		1	
Denniston .....	1		
Dougherty.....	1		
Durst .....	1		
Eastman .....	1		
Fargo .....	1		
Flanders .....	1		
Ford .....	1		
Foster .....	1		
Gillette .....		1	
Gordon .....			1
Green.....	1		
Gregory.....		1	
Hagans.....	1		
Hanson.....		1	
Harriman .....	1		
Harris .....		1	
Harrison .....		1	
Haun .....		1	
Henderson .....	1		
Hill.....	1		
Holman.....		1	
Horrell .....		1	
Hunter .....	1		
Johnson.....		1	
Kungle .....		1	
Kurtz.....		1	
Lalor .....		1	
Laspeyre.....		1	
Lippincott .....	1		
Magruder .....		1	
Miller.....		1	
Morgan .....	1		
Munday .....		1	
O'Brien .....		1	
Patrick .....		1	
Piercy .....	1		
Porter.....	1		

NAMES.	McDougall	Nugent ...	Weller ....
Powell .....	1	.....	.....
Scott .....	.....	1	.....
Showalter .....	.....	1	.....
Smith of Tulare .....	1	.....	.....
Smith, of Placer .....	1	.....	.....
Sorrel .....	.....	1	.....
Spence .....	1	.....	.....
Tilden .....	1	.....	.....
Tilton .....	1	.....	.....
Tittel .....	1	.....	.....
Walter .....	1	.....	.....
White .....	1	.....	.....
Willey .....	1	.....	.....
Wood, of Plumas .....	.....	1	.....
Wood of Yolo .....	.....	1	.....
Wright .....	1	.....	.....

Those who voted for Mr. Casserly, were—  
Messrs. Haynes, Leet, and Watkins.

Mr. Buell voted for General James Shields.

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. McDougall received fifty-seven votes.

Mr. Nugent received thirty-nine votes.

Mr. Weller received four votes.

Mr. Casserly received three votes.

Mr. Shields received one vote.

Mr. McDougall having received a majority of all the votes cast was by the President declared duly elected United States Senator for the State of California from the fourth of March, eighteen hundred and sixty-one, for six years.

On motion of Mr. Sharp, the minutes of the convention were read and approved.

The President of the convention then announced that the object for which the convention assembled had been accomplished and he thereupon declared it adjourned *sine die*, and the Senate returned to its Chamber.

#### IN SENATE.

President *pro tem.* in the Chair.

On motion of Mr. Merritt, Assembly Bills, Nos. 56, 57, 157, and Senate Bill, No. 97, under consideration when the Senate went into Joint Convention, were placed at the top of the file.

On motion of Mr. Merritt, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, April 3d, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Pico, Chairman of the Committee on Military Affairs, made the following report :

Mr. PRESIDENT :—The Committee on Military Affairs, to whom was referred a communication from his Excellency the Governor, transmitting a communication from our Senators and Representatives in Congress in relation to the services of General Wm. C. Kibbe—have had the same under consideration and report the same back without recommendation as they do not deem any action called for on the part of the Legislature.

PICO,  
Chairman.

Report adopted.

Mr. Parks made the following report :

Mr. PRESIDENT :—Your committee, the Yuba Delegation, to whom was referred Senate Bill, No. 105, an act entitled An Act concerning Highways in the County of Yuba—have had the same under consideration and beg leave to report back a substitute and recommend the passage of the substitute.

W. H. PARKS,  
For the Delegation.

On motion of Mr. Parks, the rules were suspended, the bill above reported taken up, substitute adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Edgerton made the following report :

Mr. PRESIDENT :—The Committee of Conference appointed on the disagreeing vote of both Houses on Assembly Bill, No. 192—beg leave to report that the Senate be recommended to recede from its amendment.

EDGERTON,

Report adopted.

Chairman of Senate Committee.  
JOHN CONNESS,  
Chairman House Committee.

Mr. Ryan made the following report :

Mr. PRESIDENT :—Your Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul in the County of Monterey—have had the same under consideration and report it back without amendments and recommend its passage.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Haynes made the following report :

**Mr. PRESIDENT:**—The delegation, to whom was referred Assembly Bill, No. 106, entitled An Act concerning the County Judge of Klamath—with instructions to amend, herewith reports back the same and in accordance with said instructions recommend that said bill be amended as follows:

Strike out all after the enacting clause and insert as follows:

“SECTION 1. An Act concerning County Judges, passed April fourth, eighteen hundred and fifty-four, is hereby repealed.”

Also amend the title so as to read as follows:

“An Act to repeal an Act entitled An Act concerning County Judges, passed April fourth, eighteen hundred and fifty-four.”

It is recommended that said bill as amended be passed.

J. P. HAYNES,

Delegation Twelfth Senatorial District.

Report received, and with bill, placed on file.

**Mr. Pico** made the following report:

**Mr. PRESIDENT:**—Your Committee on Military Affairs have had under consideration Senate Bill, No. 196—they now report the same together with a new section, numbered section three. They recommend the passage of the bill with the above mentioned amendment.

PICO,

Chairman.

April 2d, 1861.

Report received, and with bill, placed on file.

**Mr. Clark** made the following report:

**Mr. PRESIDENT:**—The Committee of Free Conference appointed by the Senate and Assembly to consider Senate Bill, No. 115, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April the thirtieth, A. D. eighteen hundred and sixty—have considered the same and for the purpose of adjusting the differences between the two Houses recommend that the Senate concur in all the Assembly amendments except amendment number one, and recommend concurrence in that after striking out the words “and Colusa.”

CLARK,

Chairman of committee on the part of the Senate.

WHITE,

Chairman of the House committee.

Report adopted.

**Mr. Gallagher** made the following report:

**Mr. PRESIDENT:**—Your Committee on Public Expenditures have examined the copying done for the Senate up to date and find due the Secretary of the Senate for copying:

Purpose.	Folio.	Per Folio.	Amount.
Journal and Appendix.....	1,468	15 cts.	\$220 20
For Printer.....	2,798	10 cts.	279 80
Totals.....	4,261	.....	\$499 50

GALLAGHER,

For Committee

Report adopted.

Mr. Heacock, of the Sacramento Delegation, made the following report :

Mr. PRESIDENT :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City and County of Sacramento, and to use and maintain the same—have had the same under consideration, and now report the same back, with amendments, and recommend the adoption of the amendments.

CLARK,  
HEACOCK,

For the Delegation.

On motion of Mr. Heacock, the rules were suspended, the bill above reported taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Mr. Eagan in the Chair.

Reported back, amendments concurred in, bill read a third time and passed.

Mr. Pico made the following report :

Mr. PRESIDENT :—The Los Angeles Delegation, to whom was referred Assembly Bill, No. 112, An Act to legalize the Assessment Roll, and to extend the time for the collection of Taxes in the County of Los Angeles—have had the same under consideration, and report it back, without amendments, and recommend its passage.

PICO,

For the Delegation.

On motion of Mr. Pico, the rules were suspended, the bill above reported taken up, read a third time and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 2d, 1861. }

Mr. PRESIDENT :—On the thirtieth of March, the Assembly passed the following bills :

Senate Bill, No. 213, An Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Grave-Yard, in Red Bluff, to the new Cemetery, and to levy a Tax to pay the cost of the same ;

Also, Senate Bill, No. 249, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and to create a Contingent Fund, passed April fifteenth, eighteen hundred and sixty ;

Also, Senate Bill, No. 229, An Act to change the name of Daniel McDonough to that of James Henry Warwick ;

Also, Senate Bill, No. 111, An Act to grant the right of way to construct a Toll-Bridge across Feather River, near Oroville, in Butte County ;

Also, Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe Three Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same—and other matters relating thereto, with amendment, in which the concurrence of the Senate is requested ;

Also, on yesterday, passed Senate Bill, No. 174, An Act to authorize

the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes;

Also, Senate Bill, No. 137, An Act making an appropriation for the payment of the claims of I. & S. Wormser, Assignees of William Dougherty and J. C. Lewis, for Newspapers furnished Senate during the Eleventh Session;

Also, Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Association of the County of Contra Costa, to sell or mortgage the Real Estate, or other Property, belonging to the Association, for certain purposes;

Also, Senate Bill, No. 68, An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two;

Also, Senate Bill, No. 263, An Act to incorporate the Town of Grass Valley;

Also, on March thirtieth, passed Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath;

Also, refused to concur in Senate amendments to Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child—and ask the Senate to recede;

Also, on yesterday, passed Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County;

Also, Assembly Bill, No. 245, An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 343, An Act to make certain Officers of Solano County salaried Offices;

Also, Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County, *ex officio* County Superintendent of Public Instruction;

Also, Assembly Bill, No. 260, An Act to Incorporate the City of Santa Clara, and to repeal certain Acts;

Also, refused to concur in Senate amendments to Assembly Bill, No. 36, An Act to grant to certain parties therein named, the right to lay a Railroad Track along certain Streets in the City of Sacramento—and have appointed as a Committee of Free Conference, on the part of the House, Messrs. Conness, White, and Adams, and ask the appointment of a similar committee on the part of the Senate;

Also, on the thirtieth of March, adopted Assembly Concurrent Resolution, No. 48, Relative to Apportionment—and ask that the Senate concur therein;

Also, on yesterday, adopted report of Committee of Conference on Assembly Bill, No. 192, An Act to provide for the annulling of Certificates of Purchase of Lands sold on a credit, and declared forfeit for the non-payment of Interest or Principal; and for the relief of purchasers of Swamp and Overflowed Lands;

Also, on the twenty-ninth of March, passed Assembly Bill, No. 353, An Act to exempt certain property of the Turn-Verein Association of Sacramento County from Taxation;

Also, on yesterday, passed Assembly Bill, No. 359, An Act to authorize John Atkinson, of Placer County, to remove the Remains of Deceased Persons;

Also, Assembly Bill, No. 367, An Act amendatory and supplemental

to An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 220, An Act concerning the compensation of the Deputy District Attorney in the City and County of Sacramento.

J. W. SCOBAY,

Assistant Clerk.

Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath—was read first and second times, and referred to the delegation.

Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County—was read first and second times, and referred to the delegation.

Assembly Bill, No. 245, An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 343, An Act to make certain Officers of Solano County salaried Offices—was read first and second times, and referred to the delegation.

Assembly Bill, No. 260, An Act to Incorporate the City of Santa Clara, and to repeal certain Acts—was read first and second times, and referred to the delegation.

The President here appointed the Committee of Free Conference on Assembly Bill, No. 36, Relative to a Railroad in Sacramento—consisting of Messrs. Clark, Logan, and Edgerton.

Assembly Concurrent Resolution, No. 48, Relative to apportionment—was read, and laid on the table.

Assembly Bill, No. 359, An Act to authorize John Atkinson, of Placer County, to remove the Remains of Deceased Persons—was read first and second times, rules suspended, bill taken up, read a third time, and passed.

Assembly Bill, No. 353, An Act to exempt certain property of the Turn-Verein Society of Sacramento County from Taxation—was read first and second times, and referred to the Committee on Finance.

Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game—was read first and second times, and placed on file.

Assembly Bill, No. 220, An Act concerning the compensation of the Deputy District Attorney in the City and County of Sacramento—was read first and second times, and referred to the delegation.

Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction—was read first and second times, and referred to the delegation.

Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Children—was referred to the Judiciary Committee.

Assembly Bill, No. 367, An Act amendatory of, and supplemental to, An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing



their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty—was read first and second times, and referred to the delegation.

#### INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill for An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River.

Read first and second times, and referred to the delegation.

Mr. Sharp, by leave, introduced a bill for An Act relating to the payment of Stewards for the San Francisco Fire Department.

Read first and second times, and referred to the delegation.

Mr. Loet, by leave, introduced a bill for An Act concerning the office of Tax Collector in the County of Placer.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps, by leave, introduced a bill for An Act to amend An Act concerning Ferries and Toll-Bridges, passed April twenty-eighth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Committee on Roads and Highways.

Mr. Thomas, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate Bill, No. 217, An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.

P. W. THOMAS,  
Chairman.

April 2d, 1861.

Report accepted.

Mr. Rhodes, by leave, introduced a bill for An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and other Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

Mr. Rhodes, also, by leave, introduced a bill for An Act for the preservation and protection of Trout.

Read first and second times, and placed on file.

Mr. Harvey, by leave, introduced a bill for An Act for the relief of T. Wilcox.

Read first and second times, and referred to the Committee on Claims.

#### GENERAL FILE.

Assembly Bills, Nos. 56, 57, and 157, and Senate Bill, No. 97, Relative to Railroads in San Francisco—were taken up, and considered in Committee of the Whole.

Pending which, the following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 2d, 1861. }

MR. PRESIDENT:—The Assembly is now ready to meet the Senate in Joint Convention, for the purpose of electing Physicians for the State Insane Asylum, at Stockton.

J. M. ANDERSON,  
Clerk of Assembly.

The bill under consideration when the Assembly message was announced, was then reported back to the Senate.

An motion of Mr. Phelps, the bill was placed at the top of the file.

On motion of Mr. Phelps, the Senate took a recess for five minutes.

The Senate reassembled at the time appointed, and on motion of Mr. Dickinson, proceeded to the Assembly Chamber.

#### IN JOINT CONVENTION.

The convention met pursuant to adjournment.

Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, presiding.

Senate Roll called.

Absent—Messrs. Heacock and Thomas.

House Roll called.

Absent—Messrs. Montgomery and Walden.

Minutes of preceding convention read and approved.

#### RESIDENT PHYSICIAN—TWENTY-SEVENTH BALLOT.

The Secretary called the roll for the twenty-seventh ballot, with the following result:

NAMES.	Aylette ...	Tilden ....	Thomas...	Ellis .....
Burbank .....		1		
Chase .....		1		
Clark.....		1		
Crittenden .....	1			
DeLong.....		1		
Denver.....			1	
Dickinson .....			1	
Eagan .....	1			
Edgerton .....		1		
Franklin.....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....			1	
Hill .....		1		
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....	1			
Parks.....			1	
Phelps.....		1		
Pico .....	1			
Rhodes.....		1		
Ryan .....		1		
Sharp.....		1		
Thomas .....	1			

NAMES.	Aylotte ...	Tilden ...	Thomas...	Ellis .....
Thornton.....	1			
Vance.....	1			
Warmcastle.....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Williamson.....	1			
Amyx.....	1			
Avery .....		1		
Baehtel .....			1	
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs.....		1		
Burnell .....		1		
Buell .....	1			
Campbell .....		1		
Chandler .....	1			
Cherry .....		1		
Clark.....		1		
Coleman .....		1		
Coltrin .....		1		
Conness .....		1		
Councilman.....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis.....	1			
Denniston .....		1		
Doughterty.....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster.....			1	
Gillette .....	1			
Gordon .....	1			
Green .....		1		
Gregory.....	1			
Hagans.....			1	
Hanson.....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis ....
Horrell .....	1	.....	.....	.....
Hunter .....	.....	1	.....	.....
Johnson .....	1	.....	.....	.....
Kungle .....	1	.....	.....	.....
Kurtz .....	1	.....	.....	.....
Lalor .....	1	.....	.....	.....
Laspeyre.....	1	.....	.....	.....
Lippincott .....	.....	1	.....	.....
Magruder .....	.....	.....	1	.....
Miller .....	.....	.....	1	.....
Morgan .....	.....	1	.....	.....
Morrison .....	1	.....	.....	.....
Munday .....	.....	.....	1	.....
O'Brien .....	.....	1	.....	.....
Patrick .....	1	.....	.....	.....
Piercy .....	.....	.....	1	.....
Porter .....	.....	1	.....	.....
Powell.....	.....	1	.....	.....
Ross .....	.....	.....	1	.....
Scott .....	1	.....	.....	.....
Showalter .....	1	.....	.....	.....
Smith of Tulare.....	.....	1	.....	.....
Smith of Placer .....	.....	.....	1	.....
Sorrel .....	1	.....	.....	.....
Spence .....	.....	1	.....	.....
Stearns .....	.....	1	.....	.....
Tilton .....	.....	1	.....	.....
Tittel .....	.....	1	.....	.....
Walter .....	.....	1	.....	.....
White .....	1	.....	.....	.....
Willey .....	.....	1	.....	.....
Wood of Plumas.....	.....	.....	1	.....
Wood of Yolo .....	1	.....	.....	.....

Mr. Shafter voted for Mr. Spencer.

Whole number of cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Aylette received forty-one votes.

Mr. Tilden received forty-eight votes.

Mr. Thomas received seventeen votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

#### RESIDENT PHYSICIAN—TWENTY-EIGHTH BALLOT.

The Secretary then called the roll for the twenty-eighth ballot with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis.....
Burbank .....		1		
Chase .....		1		
Clark .....		1		
Crittenden .....	1			
De Long .....		1		
Denver .....			1'	
Dickinson .....			1	
Eagan .....	1			
Edgerton .....		1		
Franklin .....	1			
Gallagher .....	1			
Harvey .....		1		
Haynes .....			1	
Hill .....		1		
Irwin .....		1		
Leet .....			1	
Logan .....	1			
Merritt .....			1	
Parks .....			1	
Phelps .....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Sharp .....		1		
Thomas .....	1			
Thornton .....	1			
Vance .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt .....	1			
Williamson .....	1			
Amyx .....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell .....	1			
Campbell .....		1		
Chandler .....	1			
Cherry .....		1		
Childs .....	1			
Clark .....		1		
Coleman .....		1		
Coltrin .....		1		

NAMES.	Ayette....	Tilden....	Thomas...	Ellis.....
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....			1	
Curtis .....	1			
Denniston .....		1		
Dougherty .....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford .....		1		
Foster .....			1	
Gillette .....	1			
Gordon .....	1			
Green .....		1		
Gregory .....	1			
Hagans ..			1	
Hanson .....	1			
Harriman .....			1	
Harris .....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			
Horrell .....	1			
Hunter .....		1		
Johnson .....	1			
Kungle .....	1			
Kurtz .....			1	
Lalor .....	1			
Laspeyre .....	1			
Lippincott .....		1		
Magruder ..			1	
Miller .....		1		
Morgan .....		1		
Morrison .....			1	
Munday .....			1	
O'Brien .....		1		
Patrick .....			1	
Porter .....		1		
Powell .....		1		
Ross .....			1	
Scott .....	1			
Showalter .....	1			
Smith of Tulare .....		1		
Smith of Placer .....			1	

NAMES.	Ayette...	Tilden...	Thomas...	Ellis .....
Sorrel.....	1			
Spence .....		1		
Stearns.....		1		
Tilton .....		1		
Tittel.....		1		
Walter .....		1		
White.....	1			
Wiley .....		1		
Wood of Plumas.....			1	
Wood of Yolo .....	1			

Mr. Shafter voted for Mr. Spencer.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Ayette received thirty-eight votes.

Mr. Tilden received forty-nine votes.

Mr. Thomas received nineteen votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

#### RESIDENT PHYSICIAN—TWENTY-NINTH BALLOT.

The Secretary called the roll for the twenty-ninth ballot, with the following result:

NAMES.	Ayette...	Tilden...	Thomas...	Ellis .....
Burbank .....		1		
Chase.....		1		
Clark.....		1		
Crittenden. ....	1			
DeLong .....		1		
Denver.....			1	
Dickinson .....			1	
Eagan.....			1	
Edgerton .....		1		
Franklin .....	1			
Gallagher.....	1			
Harvey .....		1		
Haynes.....			1	
Hill .....		1		
Irwin .....		1		
Leet.....			1	

NAMES.	Ayette ...	Tilden ...	Thomas..	Ellis ....
Logan.....	1			
Merritt .....	1			
Parks .....		1		
Phelps.....		1		
Pico .....	1			
Rhodes .....		1		
Ryan .....		1		
Shafter .....		1		
Sharp .....		1		
Thomas .....		1		
Thornton.....	1			
Vanco .....	1			
Warmcastle .....	1			
Watkins .....	1			
Watson .....	1			
Watt.....	1			
Williamson .....	1			
Amyx .....	1			
Avery .....		1		
Baechtel .....			1	
Banks .....		1		
Blair .....		1		
Bradley .....	1			
Briggs .....		1		
Burnell .....		1		
Buell.....		1		
Campbell .....		1		
Chandler .....	1			
Cherry.....		1		
Childs .....		1		
Clark .....		1		
Coleman .....		1		
Coltrin.....		1		
Conness .....		1		
Councilman .....		1		
Covarrubias .....	1			
Crocker .....		1		
Curtis .....	1			
Denniston .....		1		
Dougherty.....		1		
Durst .....		1		
Eastman .....		1		
Fargo .....		1		
Flanders .....		1		
Ford.....		1		
Foster.....		1		
Gillette .....	1			
Gordon .....	1			



NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis .....
Green .....		1		
Gregory .....	1			
Hagans .....		1		
Hanson .....	1			
Harriman .....		1		
Harris.....	1			
Harrison .....			1	
Haun .....	1			
Henderson .....		1		
Hill .....		1		
Holman .....	1			
Horrell .....	1			
Hunter .....		1		
Johnson.....	1			
Kungle .....	1			
Kurtz .....			1	
Lalor.....	1			
Laspeyre.....	1			
Lippincott.....		1		
Magruder .....			1	
Miller .....		1		
Morgan.....		1		
Morrison .....	1			
Munday.....			1	
O'Brien.....		1		
Patrick .....			1	
Porter.....		1		
Powell.....		1		
Ross .....	1			
Scott ..	1			
Showalter.....	1			
Smith of Tulare .....		1		
Smith of Placer ... ..			1	
Sorrel.....	1			
Spence .....		1		
Stearns .....		1		
Tilton .....		1		
Tittel .....		1		
Walter.....		1		
White .....		1		
Wiley ..		1		
Wood of Plumas .....			1	
Wood of Yolo.....	1			

Whole number of votes cast, one hundred and seven.  
Necessary to a choice, fifty-four.

Mr. Ayette received thirty-six votes.

Mr. Tilden received fifty-eight votes.

Mr. Thomas received thirteen votes.

Mr. Tilden having received a majority of all the votes cast, the President declared him duly elected Resident Physician of the State Insane Asylum, for the term prescribed by law.

Nominations being in order for Visiting Physician,

Mr. Buell nominated Dr. Ellis, of Sacramento.

Mr. Patrick nominated Dr. Kendall, of Stockton.

Mr. Ross nominated Dr. Green, of Sonoma.

Mr. Harvey nominated Dr. Clark, of El Dorado.

Mr. Porter nominated Dr. Shurtliff, of Stockton.

Mr. Curtis nominated Dr. Sharkey, of San Francisco.

Mr. Showalter nominated Dr. Linon of Mariposa.

#### VISITING PHYSICIAN—FIRST BALLOT.

The Secretary called the roll for the first ballot, with the following result:

NAMES.	Linon ...	Kills .....	Kendall...	Green ....	Clark .....	Shurtliff..	Sharkey...
Burbank.....						1	
Chase.. .....					1		
Clark.....					1		
Crittenden.....			1				
De la Guerra.....					1		
De Long .....					1		
Denver .....		1					
Bagan .....			1				
Edgerton .....					1		
Franklin.....			1				
Gallagher .....							1
Harvey .....					1		
Haynes .....		1					
Hill .....				1			
Irwin.....					1		
Leet.....		1					
Merritt .....			1				
Parks .....		1					
Phelps ....						1	
Pico.....			1				
Rhodes.....						1	
Ryan.....					1		
Shafter.....						1	
Sharp .....					1		
Thomas .....					1		
Vance.....		1					
Warmcastle.....			1				
Watson.....							1
Watt.....							1

NAMES.	Libon ...	Ellis .....	Kendall...	Green ...	Clark .....	Shurtliff..	Sharkey...
Williamson .....			1				
Adams .....					1		
Amyx .....			1				
Avery .....						1	
Baechtel.....				1			
Banks .....						1	
Blair .....						1	
Bradley .....			1				
Briggs.....						1	
Burnell.....						1	
Buell.....		1					
Campbell .....						1	
Cherry.....						1	
Childs .....		1					
Clarke .....						1	
Coleman.....					1		
Coltrin .....					1		
Conness.....					1		
Covarrubias.....					1		
Crocker.....						1	
Curtis .....							1
Denniston .....					1		
Dougherty.....					1		
Durst .....					1		
Eastman.....					1		
Fargo .....						1	
Flanders.....						1	
Ford.....						1	
Foster.....					1		
Gillette.....				1			
Gordon.....				1			
Green .....					1		
Gregory .....	1						
Hagans .....				1			
Hanson .....		1					
Harriman.....						1	
Harris.....		1					
Harrison.....		1					
Haun.....				1			
Henderson .....					1		
Hill .....					1		
Holman .....				1			
Hunter.....					1		
Johnson.....			1				
Kungle .....		1					
Kurtz .....							1
Lalor .....							1
Laspeyre .....			1				

NAMES.	Linon ...	Ellis .....	Kendall...	Green ....	Clark .....	Shurtleff ..	Sharkey...
Lippincott .....					1		
Magruder .....				1			
Morgan .....						1	
Morrison .....							1
Munday .....							1
O'Brien .....							1
Patrick .....			1				
Piercy ..		1					
Porter .....						1	
Powell .....					1		
Ross .....				1			
Scott .....				1			
Showalter.....	1						
Smith of Tulare..		1					
Smith of Placer.....		1					
Sorrel .....		1					
Spence .....						1	
Stearns.....							1
Tilden.....					1		
Tilton .....						1	
Tittel .....						1	
Walter .....		1					
White .....		1					
Willey .....						1	
Wood of Plumas .....		1					
Wood of Yolo..				1			
Wright .....					1		

Mr. Logan voted for Mr. Spaulding.

Mr. Councilman voted for Mr. Thompkins.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Kendall received twelve votes.

Mr. Ellis received eighteen votes.

Mr. Green received eleven votes.

Mr. Clark received twenty-nine votes.

Mr. Shurtleff received twenty-two votes.

Mr. Linon received two votes.

Mr. Spaulding received one vote.

Mr. Thompkins received one vote.

There being no election, no one having received a majority of all the votes cast—

#### VISITING PHYSICIAN—SECOND BALLOT.

The Secretary called the roll for the second ballot with the following result:

NAMES.	Sharkey...	Clark.....	Ellis.....	Kendall...	Shurtleff..	Green.....
Burbank.....					1	
Crittenden.....						1
De la Guerra.....		1				
DeLong.....		1				
Denver.....			1			
Dickinson.....		1				
Eagan.....					1	
Edgerton.....		1				
Franklin.....				1		
Gallagher.....	1					
Harvey.....		1				
Haynes.....			1			
Hill.....						1
Irwin.....		1				
Leet.....			1			
Logan.....			1			
Merritt.....					1	
Parks.....			1			
Phelps.....					1	
Rhodes.....					1	
Ryan.....		1				
Shafter.....					1	
Thomas.....		1				
Vance.....			1			
Warmcastle.....					1	
Watkins.....			1			
Watson.....	1					
Williamson.....				1		
Adams.....		1				
Amyx.....				1		
Avery.....					1	
Baechtel.....						1
Banks.....					1	
Blair.....					1	
Bradley.....				1		
Briggs.....						1
Burnell.....		1				
Buell.....			1			
Campbell.....					1	
Cherry.....					1	
Childs.....			1			
Clarke.....					1	
Coleman.....		1				
Coltrin.....		1				
Conness.....		1				
Councilman.....					1	
Covarrubias.....		1				
Crocker.....			1			

NAMES.	Sharkey...	Clark....	Ellis.....	Kendall...	Shurtlett..	Green.....
Curtis.....	1					
Denniston .....		1				
Dougherty.....		1				
Durst .....		1				
Eastman .....		1				
Fargo.....					1	
Flanders .....					1	
Ford .....					1	
Foster.....		1				
Gillette .....			1			
Gordon .....						1
Green .....		1				
Hagans.....						1
Hanson .....			1			
Harriman .....					1	
Harris.....			1			
Harrison .....			1			
Haun .....			1			
Henderson.....		1				
Hill .....		1				
Holman .....						1
Horrell .....			1			
Hunter .....		1				
Kungle .....			1			
Kurtz.....						1
Lalor .....	1					
Laspeyre.....					1	
Lippincott .....		1				
Magruder .....						1
Morgan .....					1	
Morrison .....	1					
Munday .....	1					
O'Brien .....	1					
Patrick .....				1		
Piercy .....			1			
Porter.....					1	
Powell .....	1					
Ross .....						1
Scott .....						1
Showalter .....		1				
Smith of Tulare .....		1				
Smith of Placer ..		1				
Spence .....					1	
Tilden.....	1					
Tilton .....					1	
Tittel .....					1	
Walter .....	1					
White.....		1				

NAMES.	Sharkey...	Clark .....	Ellis.....	Kendall...	Shurtleff ..	Green.....
Wiley .....	1	.....	.....	.....	.....	.....
Wood of Plumas.....	.....	1	.....	.....	.....	.....
Wood of Yolo .....	.....	.....	.....	.....	.....	1
Wright .....	1	.....	.....	.....	.....	.....

Mr. Gregory voted for Mr. McCaffery.

Whole number of cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Kindall received five votes.

Mr. Ellis received twenty-three votes.

Mr. Green received twelve votes.

Mr. Clark received twenty-nine votes.

Mr. Shurtleff received twenty-four votes.

Mr. Sharkey received seven votes.

Mr. McCaffery received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Showalter withdrew the name of Mr. Lincon.

Mr. Patriok withdrew the name of Mr. Kendall.

#### VISITING PHYSICIAN—THIRD BALLOT.

The Secretary then called the roll for the third ballot with the following result:

NAMES.	Sharkey...	Clark .....	Ellis.....	Shurtleff ..	Green.....
Burbank .....	.....	.....	.....	1	.....
Crittenden .....	.....	.....	1	.....	.....
De la Guerra .....	.....	1	.....	.....	.....
DeLong .....	.....	1	.....	.....	.....
Denver.....	.....	.....	1	.....	.....
Eagan .....	.....	.....	1	.....	.....
Edgerton .....	.....	1	.....	.....	.....
Franklin.....	.....	.....	1	.....	.....
Gallagher .....	1	.....	.....	.....	.....
Harvey .....	.....	1	.....	.....	.....
Haynes .....	.....	.....	1	.....	.....
Hill .....	.....	.....	.....	.....	1
Irwin .....	.....	1	.....	.....	.....
Leet .....	.....	.....	1	.....	.....
Logan .....	.....	.....	1	.....	.....

NAMES.	Sharkey...	Clark.....	Kills.....	Shurtlett..	Green.....
Merritt .....	.....	.....	.....	1	.....
Parks.....	.....	.....	1	.....	.....
Phelps.....	.....	1	.....	.....	.....
Pico .....	.....	.....	1	.....	.....
Rhodes.....	.....	.....	.....	1	.....
Ryan .....	.....	1	.....	.....	.....
Shafter.....	.....	.....	.....	1	.....
Thomas .....	.....	1	.....	.....	.....
Vance.....	.....	.....	1	.....	.....
Warmcastle.....	.....	.....	1	.....	.....
Watkins .....	.....	.....	1	.....	.....
Watson .....	1	.....	.....	.....	.....
Adams .....	.....	1	.....	.....	.....
Avery .....	.....	.....	.....	1	.....
Baehtel .....	.....	.....	.....	.....	1
Banks .....	.....	.....	.....	1	.....
Blair .....	.....	.....	.....	1	.....
Bradley .....	.....	.....	1	.....	.....
Briggs.....	1	.....	.....	.....	.....
Burnell .....	.....	1	.....	.....	.....
Buell .....	.....	.....	1	.....	.....
Campbell .....	.....	.....	.....	1	.....
Cherry .....	.....	.....	.....	1	.....
Childs.....	.....	.....	1	.....	.....
Clark.....	.....	.....	.....	1	.....
Coleman .....	.....	.....	.....	1	.....
Coltrin .....	.....	1	.....	.....	.....
Conness .....	.....	1	.....	.....	.....
Councilman.....	.....	.....	.....	1	.....
Covarrubias .....	.....	1	.....	.....	.....
Curtis.....	1	.....	.....	.....	.....
Denniston .....	.....	1	.....	.....	.....
Doughterty.....	.....	1	.....	.....	.....
Durst .....	.....	1	.....	.....	.....
Eastman .....	.....	1	.....	.....	.....
Fargo .....	.....	.....	.....	1	.....
Flanders .....	.....	.....	.....	1	.....
Ford .....	.....	.....	.....	1	.....
Foster.....	.....	1	.....	.....	.....
Gordon .....	.....	.....	.....	.....	1
Green .....	.....	1	.....	.....	.....
Gregory.....	.....	.....	.....	1	.....
Hagans.....	.....	.....	.....	.....	1
Hanson... ..	.....	.....	1	.....	.....
Harriman .....	.....	.....	.....	1	.....
Harris .....	.....	.....	1	.....	.....
Harrison .....	.....	.....	1	.....	.....
Haun .....	.....	.....	.....	.....	1



NAMES.	Sharkey...	Clark.....	Ellis.....	Shurtleff..	Green.....
Henderson .....		1			
Hill .....		1			
Holman ....					1
Horrell .....			1		
Hunter .....		1			
Kungle .....			1		
Kurtz .....	1				
Lalor .....	1				
Laspeyre.....				1	
Lippincott .....		1			
Magruder .....					1
Morgan .....				1	
Morrison .....	1				
Munday .....	1				
O'Brien .....	1				
Patrick .....			1		
Piercy .....			1		
Porter .....				1	
Powell.....		1			
Ross .....					1
Scott .....					1
Showalter .....					1
Smith of Tulare.....			1		
Smith of Placer .....			1		
Spence .....				1	
Stearns .....			1		
Tilden.....		1			
Tilton .....				1	
Tittel .....				1	
Walter .....		1			
White .....		1			
Willey .....		1			
Wood of Plumas.....			1		
Wood of Yolo .....					1
Wright .....		1			

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Ellis received twenty-six votes.

Mr. Green received twelve votes.

Mr. Clark received twenty-nine votes.

Mr. Shurtleff received twenty-three votes.

Mr. Sharkey received eight votes.

There being no election, no one having received a majority of all the votes cast—

#### VISITING PHYSICIAN—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result:

NAMES.	Clark .....	Ellis .....	Shurtleff ..
Burbank .....	1		
De la Guerra .....	1		
De Long .....	1		
Denver .....		1	
Eagan .....		1	
Edgerton .....	1		
Franklin .....		1	
Gallagher .....		1	
Harvey .....	1		
Haynes .....		1	
Hill .....	1		
Irwin .....	1		
Leet .....		1	
Logan .....		1	
Merritt .....		1	
Parks .....		1	
Phelps .....	1		
Pico .....		1	
Rhodes .....	1		
Ryan .....	1		
Shafter .....	1		
Thomas .....	1		
Vance .....		1	
Warmcastle .....		1	
Watkins .....		1	
Watson .....		1	
Williamson .....		1	
Adams .....	1		
Avery .....	1		
Baechtel .....		1	
Banks .....	1		
Blair .....			1
Bradley .....		1	
Briggs .....	1		
Burnell .....	1		
Buell .....		1	
Campbell .....	1		
Chandler .....		1	
Cherry .....	1		
Childs .....		1	
Clark .....	1		
Coleman .....	1		
Coltrin .....	1		
Conness .....	1		
Councilman .....	1		
Covarrubias .....	1		
Crocker .....	1		
Curtis .....		1	

NAMES.	Clark .....	Emile .....	Shurtlet..
Denniston .....	1		
Dougherty .....	1		
Durst .....	1		
Eastman .....	1		
Fargo .....	1		
Flanders .....	1		
Ford .....	1		
Foster .....	1		
Green .....	1		
Gregory .....		1	
Hagans ..		1	
Hanson .....		1	
Harriman .....	1		
Harris .....		1	
Harrison .....		1	
Haun .....		1	
Henderson .....	1		
Hill .....	1		
Holman .....		1	
Horrell .....		1	
Hunter .....	1		
Johnson .....		1	
Kungle .....		1	
Kurtz .....		1	
Lalor .....		1	
Laspeyre .....		1	
Lippincott .....	1		
Magruder ..		1	
Miller .....	1		
Morgan .....	1		
O'Brien .....	1		
Patrick .....		1	
Piercy .....		1	
Porter .....	1		
Powell .....	1		
Ross .....		1	
Scott .....		1	
Showalter .....		1	
Smith of Tulare .....		1	
Smith of Placer .....	1		
Spence .....	1		
Stearns .....	1		
Tilden .....	1		
Tilton .....	1		
Tittel .....	1		
Walter .....	1		
White .....	1		
Wiley .....	1		

NAMES.	Clark .....	Ellis .....	Shurtleff ..
Wood of Plumas.....	.....	1	.....
Wright .....	1	.....	.....

Those who voted for Mr. Green were—

Messrs. Gordon and Wood of Yolo.

Those who voted for Mr. Kendall were—

Messrs. Crittenden and Munday.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr. Ellis received forty-two votes.

Mr. Clark received fifty-five votes.

Mr. Shurtleff received one vote.

Mr. Green received two votes.

Mr. Kendall received two votes.

Mr. Clark, having received a majority of all the votes cast, was declared duly elected, by the President, Visiting Physician for the State Insane Asylum, for the term prescribed by law.

Mr. Conness moved that the convention adjourn to Thursday, April fourth, at two o'clock, P. M.

Lost.

On motion of Mr. Conness, the convention adjourned *sine die*.

The President and Senators then proceeded to the Senate chamber.

#### IN SENATE.

On motion of Mr. Merritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary.

#### IN SENATE.

SENATE CHAMBER,

Thursday, April 4th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Edgerton, the rules were suspended and Senate Bill, No. 44, An Act to amend an Act entitled An Act to provide for the dis-

position of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one;

Also, Senate Bill, No. 40, An Act to provide for the payment and ascertaining the value of the interest of the State of California within the Water-Line Front of the City of San Francisco as defined in an Act entitled An Act to amend an Act entitled An Act to provide for the disposition of certain Property in the State of California—were taken up, and Substitute, No. 285 for Senate Bill, No. 44, above reported, considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules further suspended, bill considered engrossed, read a third time, and passed.

Also, Substitute, No. 286 for Senate Bill, No. 44, above reported—considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 40, above reported—was taken up, and considered in Committee of the Whole.

Pending which, Mr. Sharp made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration report as follows:

An Act to audit and allow the claims of John Crowell and others, and Abel Guy and others—and recommend its passage;

Also, Senate Bill, No. 233, An Act to provide for the publication of the General Laws of the State in force at the expiration of the Thirteenth Session of the Legislature—and recommend its indefinite postponement.

Also, Senate Bill, No. 120, An Act in addition to an Act entitled An Act for the relief of Insolvent Debtors and protection of Creditors, passed May fourth, eighteen hundred and fifty-two, and amendatory thereof—and recommend its indefinite postponement;

Also, Senate Bill, No. 188, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one—and recommend its indefinite postponement.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

#### SPECIAL ORDERS.

Senate Bill, No. 26—was taken up, and made special order for Friday, April fifth, eighteen hundred and sixty-one, at two o'clock, P. M.;

Also, Senate Bill, No. 49—was taken up, and made a special order for Friday, April fifth, at half past eleven o'clock, A. M.

Mr. Sharp made the following report:

MR. PRESIDENT:—The San Francisco Delegation have had under consideration Senate Bill, No. 274, relative to pay of Stewards of San Francisco Fire Department—and report the same back and recommend its passage.

SHARP,  
For the Delegation.

On motion of Mr. Sharp, the rules were suspended, and the bill above reported—was taken up, rules further suspended, bill considered engrossed, read a third time, and passed.

**MESSAGE FROM THE ASSEMBLY.**

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 3d, 1861. }

**Mr. PRESIDENT:**—The House has this day passed Senate Bill, No. 199, an Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization—with amendments, and ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk.

On motion of Mr. Williamson, the bill above reported, was taken up, and Senate concurred in Assembly amendments, with the exception of the amendment to section fifteen relative to representation.

Mr. Dickinson, by leave, gave notice that he would on to-morrow move to amend Standing Rule, Twenty-Seven, by striking out in first line the word "eleven," and inserting the word "ten."

Mr. Rhodes, by leave, offered the following resolution :

*Resolved*, That the President of the Senate appoint a committee of seven who shall take into consideration the subject of the apportionment of this State into districts for the election of Senators and members of the Assembly upon the basis of the census taken in eighteen hundred and sixty, under the act of Congress; and such committee shall be authorized to act jointly with a committee appointed, or to be appointed for the same purpose, on behalf of the Assembly. Also, to take into consideration any bill, or report, that may be reported, or made, by the last mentioned committee.

Adopted.

The President here appointed the following committee in accordance with the above resolution: Messrs. Rhodes, Pico, Sharp, Ryan, Crittenden, Clark, and Merritt.

Mr. Logan made the following report :

**Mr. PRESIDENT:**—The Committee on Mileage having had the subject under consideration report the following as the amount of mileage due each member of the Special Committee appointed to visit the State Reform School near Marysville and the Reform School near San Francisco :

Name.	Miles.	Amount.
Parks. ....	400	\$80 00
Merritt.....	400	80 00
Harvey .....	400	80 00
Total.....	.....	\$240 00

LOGAN,  
Chairman.

Report adopted.

Mr. Harvey presented certain papers relative to the claim of T. Wilcox Referred to the Committee on Claims.

Mr. Vance, by leave, offered the following resolution :

*Resolved*, That the committee to whom was referred Senate Bill, No. 143, An Act to authorize the Market Street Railroad in San Francisco County to use Steam Power, be, and they are hereby instructed to report the same back to the Senate at an early day.

Adopted.

Mr. Gallagher made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax and provide for building a Bridge in said County—have had the same under consideration and return the same with an amendment, and recommend that it pass as amended.

GALLAGHER,

For the Delegation.

On motion of Mr. Gallagher, the rules were suspended, and the bill above reported, was taken up, amended, rules further suspended, bill read a third time, and passed.

Mr. Haynes made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 267, entitled An Act concerning Roads and Highways in the County of Klamath—reports back said bill with amendments, and recommends the passage thereof as amended.

Amend section fifteen by inserting after the word "Sheriff," in the third line, the words "or Assessor."

Amend section sixteen by striking out the words "first day of May," and insert the words "twentieth day of May."

J. P. HAYNES,

Delegation Twelfth District.

On motion of Mr. Haynes, the rules were suspended, and the bill above reported, was taken up, amended, rules further suspended, bill read a third time, and passed.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined and found correctly engrossed Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto.

MERRITT,

Chairman.

On motion of Mr. Watson, Senate Bills, Nos. 246 and 114, Relative to Gas-Pipes in San Francisco—were taken up, and made the special order for Thursday, April —, at two o'clock, P. M.

Mr. De Long, from a Special Committee on Senate Bill, No. 121, Relative to Pawnbrokers—reported the same back with an amendment, and placed on file.

On motion of Mr. Leet, Senate Bill, No. 80, An Act to provide for the incorporation of Railroad Companies—was taken up, and made special order for Tuesday, April ninth, at half past eleven o'clock, A. M.

On motion of Mr. Warmcastle, Senate Bill, No. 181, An Act in relation to the entry of Lands in certain cases—was taken up, considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco—was taken up, considered in Committee of the whole and amended.

IN SENATE.

Reported back, amendments concurred in.

INTRODUCTION OF BILLS.

Mr. Edgerton, by leave, introduced a bill for An Act to relocate the County Seat of Sonoma County by the qualified voters of said County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Warmcastle presented a remonstrance from citizens of Sonoma County against the passage of the above bill.

Referred to the Committee on Counties and County Boundaries.

Mr. De Long, by leave, introduced a bill for An Act relative to the issuance of certificates to Exempt Firemen within this State.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Hill, by leave, introduced a bill for An Act concerning the office of Treasurer, County Clerk, Recorder, and Clerk, of the Board of Supervisors, of Sonoma County.

Read first and second times, and referred to the delegation.

Mr. Thomas, by leave, introduced a bill for An Act to regulate appeals in this State.

Read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill for An Act to provide for certain Railroads within the City and County of San Francisco.

Read first and second times, and referred to the delegation.

Mr. Edgerton, by leave, introduced An Act concerning Salaries of certain County Officers in the County of Napa.

Read first and second times, and referred to the Judiciary Committee.

Mr. Rhodes, by leave, introduced a bill for An Act to amend an Act entitled An Act to regulate proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Rhodes, also by leave, introduced a bill for An Act amendatory of an Act entitled An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to Judiciary Committee.

On motion of Mr. Sharp, Senate Bill, No. 126, An Act to define the Boundaries of Sacramento County—was taken up, and made the special order for Saturday, immediately after the reading of the minutes.

On motion of Mr. Ryan, the rules were suspended, and Assembly Bill, No. 180, An Act relative to the Entry of Lands—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, rules suspended, bill read a third time, and passed.



## GENERAL FILE.

Senate Bill, No. 56, An Act to provide for a Railroad in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, and amendments concurred in.

Mr. Shafter offered the following amendment:

Strike out "Michael Skelly, John Gardner, and Thomas Donahue," and insert, "To the persons that shall be selected in accordance to the subsequent provisions of this act."

Upon which, the ayes and noes were demanded by Messrs. Eagan, Merritt and Phelps, and taken with the following result: Ayes, 6—noes, 19:

AYES—Messrs. Haynes, Merritt, Pico, Rhodes, Shafter, and Vance—6.

NOES—Messrs. Burbank, Clark, Crittenden, De Long, Denver, Eagan, Edgerton, Franklin, Harvey, Heacock, Hill, Irwin, Leet, Logan, Phelps, Ryan, Sharp, Thornton, and Watkins—19.

So the amendment was lost.

Mr. Merritt offered the following amendment:

Strike out, "along Howard to Center, along Center to its intersection with Dolores."

Upon which, the ayes and noes were demanded by Messrs. Merritt, Harvey, and Heacock, and taken with the following result: Ayes 6—Noes 19:

AYES—Messrs. Gallagher, Haynes, Merritt, Pico, Thornton, and Vance—6.

NOES—Messrs. Burbank, Clark, Crittenden, De Long, Eagan, Edgerton, Franklin, Harvey, Heacock, Hill, Irwin, Leet, Logan, Phelps, Rhodes, Ryan, Shafter, Sharp, and Watkins—19.

So the amendment was lost.

The bill was then read a third time, and passed.

Mr. Shafter gave notice that he would, on to-morrow, move for a reconsideration of the vote by which the bill passed.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on 'Engrossed Bills, have examined Senate Bill, No. 116, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for Funding and payment of the outstanding unfunded Claims against the City and County of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six;

Also, Substitute for Senate Bill, No. 231, An Act to separate the Offices of County Auditor and County Recorder from the Office of County Clerk, in the County of Calaveras—and report the same correctly engrossed.

MERRITT,  
Chairman.

Mr. Irwin gave notice that he would, on to-morrow, move for a reconsideration of the vote by which two substitutes for Senate Bill, No. 44, were passed.

## GENERAL FILE, RESUMED.

Assembly Bill, No. 57, An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse-Cars thereon—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments concurred in, rules suspended, and bill read a third time, and passed.

Assembly Bill, No. 157, Relative to a Railroad in San Francisco—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Merritt gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bills, Nos. 57 and 157, were passed.

Senate Bill, No. 97, Relative to a Railroad in San Francisco.

The question being on the report of the delegation to indefinitely postpone the bill.

On motion of Mr. Watt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, April 5th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read, amended, and approved.

Mr. Merritt moved to reconsider the vote by which, on yesterday, the Senate passed Assembly Bill, No. 56.

Lost.

Mr. Phelps moved to reconsider the vote by which the Senate, on yesterday, passed Assembly Bill, No. 57.

Lost.

Mr. Merritt moved to reconsider the vote by which the Senate, on yesterday, passed Assembly Bill, No. 157.

Lost.

Mr. Phelps moved to take up Assembly Bill, No. 40, An Act to provide for the payment, and ascertaining the value of the interest of the State of California within the Water Line Front of the City of San Francisco, as defined in an Act entitled An Act to amend an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed eighteen hundred and fifty-one—which was considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments adopted, bill ordered engrossed, and read a third time.

## SPECIAL ORDER.

Senate Bill, No. 49, An Act to provide for the better observance of the Sabbath, and to secure a day of rest from secular pursuits.

Mr. Merritt moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Leet, and Burbank.

Mr. Harvey moved to recommit the bill with special instructions.

Upon which, the ayes and noes were demanded by Messrs. Harvey, Merritt, and Shafter, and taken with the following result: Ayes, 12—noes, 14:

**AYES**—Messrs. Burbank, Dickinson, Gallagher, Harvey, Heacock, Hill, Logan, Phelps, Rhodes, Shafter, Vance, and Watt—12.

**NOES**—Messrs. Chase, Clark, De Long, Haynes, Irwin, Leet, Merritt, Parks, Pico, Ryan, Thornton, Warmcastle, Watson, and Mr. President—14.

So the motion was lost.

The question being on the motion of Mr. Merritt to indefinitely postpone, upon which the ayes and noes had been demanded, the roll was called with the following result: Ayes, 14—noes, 12:

**AYES**—Messrs. Chase, De Long, Haynes, Irwin, Logan, Merritt, Parks, Pico, Rhodes, Ryan, Thornton, Watson, Watt, and Mr. President—14.

**NOES**—Messrs. Burbank, Clark, Dickinson, Eagan, Gallagher, Harvey, Heacock, Hill, Leet, Shafter, Vance, and Warmcastle—12.

So the bill was indefinitely postponed.

Mr. Harvey moved to suspend the rules, for the purpose of considering the notice of Mr. Dickinson, which was given on yesterday.

Carried.

Mr. Dickinson moved to change the Twenty-Seventh Standing Rule, so that the Senate shall meet hereafter at ten o'clock, A. M.

Upon which, the ayes and noes were demanded by Messrs. Dickinson, Harvey, and Chase, and taken with the following result: Ayes, 10—noes, 15:

**AYES**—Messrs. Burbank, Clark, Dickinson, Harvey, Haynes, Parks, Phelps, Rhodes, Shafter, and Vance—10.

**NOES**—Messrs. Chase, De Long, Eagan, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Ryan, Thornton, Warmcastle, Watson, Watt, and Mr. President—15.

So the motion was lost.

Mr. Irwin asked and obtained leave to withdraw a notice of reconsideration, given by him on yesterday, on two substitutes which were passed by the Senate for Senate Bill, No. 44.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 5th, 1861. }

Mr. PRESIDENT:—The Assembly requests the return to that body of

**Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress—said bill having been transmitted to the Senate by mistake, it never having passed the House.**

**Also, on yesterday, adopted Concurrent Resolution, No. 49, Relative to Joint Convention for Election of Trustees of the Insane Asylum—and ask the concurrence of the Senate;**

**Also, refused to pass Senate Bill, No. 25, An Act in relation to Auctioneers;**

**Also, passed Assembly Bill, No. 229, An Act for the relief of James McCauley, County Assessor of Yolo County;**

**Also, Assembly Bill, No. 376, An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County;**

**Also, Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County salaried Offices, approved February twenty-second, eighteen hundred and sixty-one;**

**Also, Assembly Bill, No. 137, An Act to pay the claim of B. F. Hastings;**

**Also, Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco and for other purposes therein mentioned;**

**Also, indefinitely postponed Senate Bill, No. 178, An Act supplementary to, and to amend, An Act concerning the Debt and the current Expenses of the County of Monterey and to provide for the Funding and the payment of the same, approved April nineteenth, eighteen hundred and fifty-six, and to amend the amendment thereto, approved March eighteenth, eighteen hundred and fifty-seven, and to provide for the building of a Bridge and making Roads in Monterey County;**

**Also, passed Senate Bill, No. 274, An Act relating to the payment of Stewards for the San Francisco Fire Department;**

**Also, on April first, passed Assembly Bill, No. 264, An Act to amend an Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight;**

**Also, on March thirtieth, passed Assembly Bill, No. 228, An Act to Fund the debt of the County of Solano which accrued from and after the first day of May, A. D. eighteen hundred and fifty-four, to the first day of October, A. D. eighteen hundred and sixty-one, and to provide for the payment of the same;**

**Also, on April fourth, passed Assembly Bill, No. 380, An Act authorizing the holding of Special Terms of the District Court in the Counties of Amador and Calaveras.**

**J. W. SCOBEE,**  
Assistant Clerk.

**Assembly Concurrent Resolution, No. 49, above reported, Relative to a Joint Convention for the election of three Trustees for the State Insane Asylum at Stockton—was taken up, and adopted.**

**Assembly Bill, No. 376, An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County—was read first and second times, and referred to the delegation.**

**Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County salaried Offices, approved May twenty-second,**

eighteen hundred and sixty-one—was read first and second times, and referred to the delegation.

Assembly Bill, No. 380, An Act authorizing the holding of Special Terms of the District Court in the Counties of Amador and Calaveras—was read first and second times, rules suspended, bill read a third time, and passed.

Assembly Bill, No. 229, An Act for the relief of James McCauley, County Assessor of Yolo County—was read first and second times, and referred to the delegation.

Assembly Bill, No. 137, An Act to pay the claim of B. F. Hastings—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 264, An Act to amend An Act to repeal An Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco and for other purposes therein mentioned—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano which accrued from and after the first day of May, A. D. eighteen hundred and fifty-four, to the first day of October, A. D. eighteen hundred and sixty-one, and to provide for the payment of the same—was read first and second times, and referred to the delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 5th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Webber Creek in El Dorado County;

I also have approved Senate Bill, No. 50, An Act to establish a standard of Weights and Measures;

Also, Senate Bill, No. 29, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State;

Also, Senate Bill, No. 217, An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.

JOHN G. DOWNEY,  
Governor.

#### COMMUNICATION FROM BOARD OF CAPITOL COMMISSIONERS.

The following communication was received from the Board of Capitol Commissioners:

OFFICE OF CAPITOL COMMISSIONERS, }  
Sacramento April 4th, 1861.

*To the Honorable the Assembly of California :*

I herewith transmit to your honorable body the report of the Board of State Capital Commissioners made in compliance with a resolution passed March twenty-sixth, eighteen hundred and sixty-one, together with the documents accompanying the same as follows :

A—Disbursements from appropriation made under provisions of An Act to provide for the construction of the State Capitol in the City of Sacramento.

B—Report of the Architect showing the amount of work done and material furnished by the Contractor.

C—Copy of contract entered into between the Capitol Commissioners and Michael Fennell.

JOHN G. DOWNEY,  
President of Board of Capitol Commissioners.

Mr. De Long made the following report:

Mr. PRESIDENT:—Your Special Committee to whom was referred Senate Bill, No. 256—have had the same under consideration and report the same back with the annexed amendment and recommend its passage.

DE LONG,  
For the Committee.

The bill above reported was referred to the Finance Committee.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 5th, 1861.

*To the Honorable the Senate of California:*

I return to your honorable body Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April 26th, A. D. eighteen hundred and fifty-eight—without my approval, and with the following objections:

By the act of eighteen hundred and fifty-five, authorizing the construction of a bridge across Mission Creek, and which bridge is now sought to be made a toll-bridge, it is provided that no tolls shall be charged for persons crossing over, or boats going through, said bridge, nor for persons passing along the street leading thereto, in the City of San Francisco; also, the road leading therefrom into, and through, the County of San Francisco.

The act approved March first, A. D. eighteen hundred and sixty, gives the San Bruno Turnpike Company the right to collect tolls on this bridge and the street leading thereto, on condition that certain improvements should be made on Brannan Street, and also that the right to collect this toll should cease after a term of three years.

It is now sought by this bill to extend this time three years longer, and to increase the rate of toll, to which the citizens on this street and those living on the Potrero Nuevo protest.

The local government of the city and county of San Francisco, who are supposed to be familiar with the wants and necessities of the people of that locality, also protest against this measure.

The act of last year gives this corporation all the privileges they could reasonably expect, and justice to the property owners and residents along the street, and those in the vicinity of the bridge, would demand that that association should be held to its contract, and that the right to collect toll should cease within the term prescribed by the act of last year.

For these reasons I return this bill for your reconsideration.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 4th, 1861. }

*To the Honorable the Senate of California :*

I transmit herewith a letter and accompanying report of Professor J. D. Whitney, State Geologist, for the consideration of your honorable body.

JOHN G. DOWNEY,  
 Governor.

To His Excellency,

JOHN G. DOWNEY,

Governor of the State of California :

SIR:—By the terms of the act by which the office of State Geologist was created, and the geological survey of the State of California instituted, a copy of which is appended, it becomes the duty of said Geologist, "as near as may be at the beginning of each session of the Legislature, to present to the Governor a 'report of progress,' in which the operation of the geological survey, during the preceding year, shall be set forth, and its more important practical results made public." The State Geologist is also required to furnish such estimates as he shall deem proper, of the amount of appropriation which shall be required for the continuance of the survey, furnishing at the same time an account of the expenses incurred up to the time at which the report is made.

In accordance with the provisions of the act, a report of the operations of the survey is presented in the following pages, although the fact that but little over four months have elapsed since the work was commenced will be sufficient reason for not expecting a very long or elaborate document at this time. Indeed, it would hardly be justifiable in the Geologist to assume to speak with confidence of the resources or capabilities of any portion of the State after so short a period had been devoted to its examination. A copy of the act authorizing the Geological Survey of California, and appointing the State Geologist, which was approved April twenty-first, eighteen hundred and sixty, reached me early in June, in Wisconsin, while engaged in prosecuting a survey of the lead region of that State, having been forwarded from Sacramento on the thirtieth of April. To this I replied June thirtieth, accepting the appointment, and promising to enter on the work as soon as my other engagements had been fulfilled. In return to this reply my commission as State Geologist was made out and forwarded on the fourteenth of July, and reached me about the middle of August. Soon after this, having completed my reports to the State of Wisconsin and Illinois, on the geology of the lead region of the upper Mississippi, I commenced the necessary preparations for removing to California, procuring such instruments and engaging such assistance as seemed proper for making a commencement for the survey.

One of the most important positions on the survey was filled by the appointment of Prof. W. H. Brewer, recently of Washington College, Pennsylvania, and who had just been appointed Professor in the New York Agricultural College, to take charge of the department of botany and agricultural chemistry. Mr. W. Ashburner was also engaged as Assistant in the department of chemistry and geology.

Sailing from New York on the twenty-second of October, we landed at San Francisco on the fourteenth of November, and Messrs. Brewer and Ashburner left for Los Angeles, with part of the necessary outfit, intending to complete their preparations, and take the field as soon as possible, in that part of the State. While these gentlemen were thus engaged, I

took occasion to visit the highly interesting and important mining estate of Mariposa, in company with two eminent foreign mining engineers—Messrs. Laur and Claudet—who were engaged in making investigations into the mineral resources of California, in behalf of the French Government and the house of Rothschilds. A week was spent in that region, in making examination of the mines and machinery now at work on an extensive scale. The observations made at that time will be embodied in a future report, in connection with others to be hereafter carried on at all the quartz mining localities; and this branch of the mining interest of the State will be made the subject of a special investigation, and fully reported on, at as early a period as possible.

After a week devoted to the Mariposa estate I repaired to Los Angeles, and there rejoined my party; and having completed our outfit we took the field on the twelfth of December, and have been constantly occupied up to the present time. Our explorations have extended from the vicinity of Temescal, on the southeast, along the various ranges in the southwestern portions of San Bernardino County and Los Angeles County, and up the coast as far as Santa Barbara, where I left the party, under the charge of Prof. Brewer, on the twenty-third of March. Their instructions were to make examinations, and work up the coast ranges towards the north; and they are expected to have completed their reconnoissance as far as San Luis Obispo in about three weeks from this time, at which point they will receive further instructions as to their work.

From the seventh of February to the seventeenth of March I was absent from my party, having during that interval visited Sacramento, and appeared before the Legislative Committees, at which time I made a verbal statement of the progress of the work under my charge, and also submitted estimates for the continuance of the survey during the next year. I also, by invitation of the Legislature, addressed them on the subject of the geological survey and the general mining history of the United States. During this interval I also commenced the exploration of the important coal district newly opened in the vicinity of Monte Diablo.

I now propose to complete the examination of the coal region, and then to take up a portion of the gold mining district, beginning in El Dorado and Placer counties. If possible, during the summer, the argenteiferous region embracing the Washoe, Esmeralda, and Mono, mines, will be visited and examined. The work will be so arranged, for the present, that there will be two parties in the field, one of which will be working up the coast range, and the other engaged in the mining region.

At as early a period as possible after the meeting of the next Legislature, an estimate of the cost of printing the first annual report, with a synopsis of its contents, will be laid before the Legislature; so that, if ordered to be printed, the work may be done and the report placed in the hands of the Governor in a printed form before the adjournment of the Legislature.

Having already laid before the Committee on Mines and Mining Interests an estimate of the amount required to carry on the survey for another year, I shall await the action of the Legislature, before proceeding to make definite arrangements for securing additional aid in the zoological and palæontological departments.

J. D. WHITNEY,  
State Geologist.

Referred to the Committee on Mines and Mining Interests.



## REPORTS.

Mr. De la Guerra made the following report :

Mr. PRESIDENT:—Your Special Committee, to whom was referred Assembly Bill, No. 178—having had the same under consideration report the same back with the following amendment and recommend the passage of the bill :

Amend by striking out section eighteen of said bill.

DE LA GUERRA,  
For the Committee.

Report received, and with bill, placed on file.

Mr. Phelps made the following report :

Mr. PRESIDENT:—Your Committee on Agriculture, to whom was referred Senate Bill, No. 183, An Act restraining the herding of Sheep in certain Counties of this State—have had the same under consideration and report the bill back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Section one, line eight, strike out all after the word "of," and insert "another person, or persons."

Sec. 5. Strike out section "five," and insert in lieu thereof, "An Act entitled An Act restricting the herding of Sheep to certain pastures in the Counties of Sonoma and Marin, approved March sixteenth, A. D. eighteen hundred and fifty-nine, and all Acts amendatory thereof are hereby repealed."

PHELPS,  
Chairman.

Mr. Hill made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Senate Bill, No. 278, entitled An Act concerning the office of Treasurer, County Clerk, County Recorder, and Clerk, of the Board of Supervisors—report the same back without amendment and recommend that the bill pass.

HILL.

Report received, and with bill, placed on file.

Mr. Shafter made the following report :

Mr. PRESIDENT:—The Committee on Enrolled Bills report they have examined Senate Bills, Nos. 111 and 274—and find the same correctly enrolled, and has this day at thirty minutes past twelve o'clock, P. M. delivered the same to the Governor for his approval.

SHAFTER,  
For Committee.

Report accepted.

Mr. Ryan made the following report :

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 17, An Act to amend an Act entitled An Act to establish Pilots and Pilot Regulations for the Port of San Francisco, approved April twenty-first, eighteen hundred and sixty ;

Also, Senate Bill, No. 85, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—have had them under consideration and report them back recommending their indefinite postponement.

JAS. T. RYAN,  
Chairman.

Report received, and with bills, placed on file.

Mr. Ryan also made the following report :

**MR. PRESIDENT:**—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—have had the same under consideration and report it back with a substitute recommending the passage of the substitute.

**JAS. T. RYAN,**  
Chairman.

Report received, and with bill, placed on file.

**Mr. Dickinson** made the following report:

**MR. PRESIDENT:**—The Committee on Roads and Highways, to whom was referred Senate Bill, No. 216, An Act to authorize Charles Brindle and Andreas Pico to build and construct a Turnpike Road from the Ex-Mission of San Fernando across the Mountain of San Fernando to the Arroyo de Santa Clara in Los Angeles County—have considered the same and report the bill back without amendment and recommend its passage.

**DICKINSON,**  
For Committee.

Report received, and with bill, placed on file.

**Mr. Parks** made the following report:

**MR. PRESIDENT:**—Your Committee on Manufactures, to whom was referred Senate Bill, No. 262—have had the same under consideration and beg leave to report it back and recommend its indefinite postponement.

They have also had under consideration Senate Bill, No. 237, An Act to exempt certain Property from Taxation—and a majority of the committee beg leave to report it back and recommend its indefinite postponement.

**W. H. PARKS,**  
Chairman.

Report received, and with bill, placed on file.

**Mr. Dickinson** made the following report:

**MR. PRESIDENT:**—The El Dorado Delegation, to whom was referred Assembly Bill, No. 367, An Act amendatory of, and supplemental to, An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty—have considered the same and report the bill back without amendment and recommend its passage.

**DICKINSON,**  
For the Delegation.

The bill above reported was taken up, rules suspended, bill read a third time, and passed.

**Mr. Hill** made the following report:

**MR. PRESIDENT:**—The delegation, to whom was referred Assembly Bill, No. 164, entitled An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes—report the same back with a substitute and recommend the passage of the substitute.

**HILL.**

Report received, and with bill, placed on file.

**Mr. Clark** made the following report:

**MR. PRESIDENT:**—The Sacramento Delegation, to whom was referred

Assembly Bill, No. 220—have had the same under consideration and report the same back and recommend its passage.

CLARK,  
HEACOCK.

Report received, and with bill, placed on file.

Mr. Pico made the following report :

Mr. PRESIDENT:—The San Bernardino Delegation, to whom was referred Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction—have had the same under consideration and report it back recommending its passage.

PICO,  
For the Delegation.

The bill above reported was taken up, rules suspended, and bill passed.

Mr. Watson asked and obtained leave of absence for Mr. Williamson for one day.

Mr. Vance asked and obtained leave of absence for Mr. Sharp for two days, and the Assistant Sergeant-at-Arms for two days.

Mr. Parks made the following report :

Mr. PRESIDENT:—Your committee, the Yuba Delegation, to whom was referred Senate Bill, No. 269, An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River—have had the same under consideration and beg leave to report it back with an amendment, and recommend its passage as amended.

W. H. PARKS,  
For the Delegation.

On motion of Mr. Phelps, the rules were suspended, and Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the expenses for Surveying the Harbor of said City—was considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules suspended, bill read a third time, and passed.

Mr. Burbank made a verbal report on Senate Bill, No. 96, An Act to amend An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, approved March thirteenth, eighteen hundred and fifty-eight.

On motion of Mr. Burbank, the rules were suspended, and the bill above reported was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Vance, the Forty-Fifth Rule was suspended and the Secretary directed to immediately transmit the bill to the Assembly.

#### INTRODUCTION OF BILLS.

Mr. Burbank, by leave, introduced a bill for An Act to authorize property holders to open a Street in front of certain lots in the City and County of San Francisco.

Read first and second times, and referred to delegation.

Mr. Logan, by leave, introduced a bill for An Act to amend an Act entitled An Act to alter and define the Boundary Line of Tehama County.

Read first and second times, and referred to Tehama and Butte delegations.

Mr. Logan also, by leave, introduced a bill for An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Phelps, by leave, introduced a bill for An Act to audit and allow the claim of John P. Reiley.

Read first and second times, and referred to the Committee on Claims.

Mr. Merritt, by leave, introduced a bill for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Finance.

Mr. Burbank offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the sum of sixty dollars be, and the same is hereby, appropriated to the Clerk of the Joint Investigating Committee for services rendered in writing subpoenas, serving the same, and taking depositions, etc. and the Controller of State is hereby authorized to draw his warrant for the same, one-half to be paid out of the Contingent Fund of the Senate, and one-half to be paid out of the Contingent Fund of the Assembly.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Clark, Leet, and Rhodes, and taken with the following result : Ayes, 6—noes, 14 :

**AYES**—Messrs. Burbank, Denver, Eagan, Gallagher, Merritt, and Ryan—6.

**NOES**—Messrs. Chase, Clark, Dickinson, Harvey, Haynes, Heacock, Hill, Leet, Logan, Parks, Phelps, Rhodes, Shafter, and Warmcastle—14.

So the resolution was lost.

Mr. Warmcastle gave notice that he would on to-morrow move for a reconsideration of the vote just taken.

Mr. Leet made a verbal report on Senate Bill, No. 268, An Act to appropriate Money to pay the claim of E. J. Saunders and others.

On motion of Mr. Leet, the bill above reported was taken up, considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules further suspended, bill ordered engrossed, and read a third time.

On motion of Mr. Clark, Assembly Bill, No. 220, An Act concerning the compensation of the Deputy District Attorney in the City and County of Sacramento—was taken from the file, rules suspended, bill read a third time, and passed.

On motion of Mr. De la Guerra, Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain bonds and to provide for the construction of a Road herein named—was taken from the file, considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

On motion of Mr. Eagan, Senate Bill, No. 200, An Act to amend An Act to establish, support, maintain, and regulate, Common Schools, and to repeal all former Acts concerning the same, approved May third, eighteen hundred and fifty-five, was taken from the file, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Chase, Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada—was taken from the file, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Ryan, Senate Bill, No. 139, An Act authorizing Joseph Galloway and others to build a Wharf at San Francisco—was taken from unfinished business and made the special order for Tuesday, April ninth, at two o'clock, P. M.

On motion of Mr. Phelps, Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands in this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight—the same having been returned to the Senate by his Excellency the Governor, without his approval, was made special order, with the message, for Wednesday, April tenth, at half past eleven o'clock, A. M.

On motion of Mr. Haynes, the papers in the claim of Woods, Assignee, etc. for services rendered as Porter of the House, etc. was taken up, and rereferred to the Committee on Claims.

Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed, May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—was taken up, read a third time, and passed.

On motion of Mr. Logan, the Senate took a recess for ten minutes.

The Senate reassembled at the time appointed.

The President in the Chair.

Roll called.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 5th, 1861. }

Mr. PRESIDENT:—The Assembly is now ready to meet the Senate in Joint Convention for the purpose of electing three Trustees for the State Insane Asylum at Stockton.

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Dickinson, the President of the Senate and Senators proceeded to the Assembly Chamber.

IN JOINT CONVENTION.

Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Clark, Crittenden, Edgerton, Gallagher, Heacock, Phelps, Sharp, Thomas, Watt, and Williamson.

House roll called.

Absent—Messrs. Councilman, Denniston, Ford, Hanson, Gordon, Kurtz, Lalor, Piercy, Smith of Placer, Sorrel, and Walden.

The Secretary then read the Concurrent Resolution by which both Houses assembled.

On motion of Mr. Amyx, two Tellers were appointed.

The President of the Senate appointed Mr. Shafter as Teller on the part of the Senate, and the Speaker of the House appointed Mr. Henderson as Teller on the part of the House.

On motion of Mr. Rhodes, the Senate rules were adopted with the exception of Rule No. Twenty-Nine.

On motion of Mr. Amyx, each member as his name was called would arise in his seat and announce in a distinct voice the three candidates for whom he voted.

Nominations being in order, Mr. Warmcastle nominated J. A. Anderson, G. A. Shurtleff, and L. R. Bradley.

Mr. Lippincott nominated P. E. Connor, H. T. Huggins, and W. H. Lyons.

There being no other nominations the Secretary called the roll with the following result:

NAMES.	Anderson.	Shurtleff..	Bradley...	Huggins..	Connor....	Lyons ....
Burbank.....	1	1	1			
Chase .....				1	1	1
De la Guerra.....				1	1	1
DeLong .....				1	1	1
Denver.....	1	1	1			
Eagan.....	1	1	1			
Franklin .....	1	1	1			
Harvey .....		1		1		1
Haynes .....	1	1	1			
Hill .....	1	1	1			
Leet .....	1	1	1			
Logan.....	1	1	1			
Merritt.....	1	1	1			
Parks .....	1	1	1			
Pico .....	1	1	1			
Rhodes .....	1	1	1			
Ryan .....				1	1	1
Shafter.....	1	1		1		
Warmcastle.....	1	1	1			
Watson .....	1	1	1			
Adams .....				1	1	1
Amyx .....	1	1	1			
Avery .....	1	1		1		
Baechtel.....	1	1	1			
Banks.....	1	1	1			

NAMES.	Anderson.	Shurtleff..	Bradley...	Huggins ..	Connor....	Lyons ....
Blair .....	1	1	1	.....	.....	.....
Bradley .....	1	1	.....	.....	1	.....
Briggs .....	1	1	1	.....	.....	.....
Burnell.. .....	.....	.....	.....	1	1	1
Buell.....	1	1	1	.....	.....	.....
Campbell.....	1	1	.....	1	.....	.....
Chandler .....	1	1	1	.....	.....	.....
Cherry .....	1	1	1	.....	.....	.....
Childs.....	1	1	1	.....	.....	.....
Clarke .....	1	1	.....	1	.....	.....
Coleman.....	1	.....	.....	.....	1	1
Coltrin .....	.....	.....	.....	1	1	1
Conness .....	.....	.....	.....	1	1	1
Covarrubias.....	.....	.....	.....	1	1	1
Crocker .....	1	1	1	.....	.....	.....
Curtis.....	1	1	1	.....	.....	.....
Dougherty.....	.....	.....	1	1	.....	1
Durst .....	.....	.....	.....	1	1	1
Eastman .....	.....	.....	.....	1	1	1
Fargo .....	1	1	1	.....	.....	.....
Flanders .....	1	1	1	.....	.....	.....
Foster.....	.....	1	1	1	.....	.....
Gillette .....	.....	.....	1	.....	.....	.....
Green .....	.....	.....	.....	1	1	1
Gregory.....	1	1	1	.....	.....	.....
Hagans .....	1	1	1	.....	.....	.....
Harriman .....	1	1	1	.....	.....	.....
Harris.....	1	1	1	.....	.....	.....
Haun .....	1	.....	1	.....	.....	.....
Henderson.....	.....	.....	.....	1	1	1
Hill.....	.....	.....	.....	1	1	1
Holman .....	1	1	1	.....	.....	.....
Horrell .....	1	1	1	.....	.....	.....
Hunter .....	.....	.....	.....	1	1	1
Johnson .....	1	1	1	.....	.....	.....
Kungle .....	1	1	1	.....	.....	.....
Laspeyre.....	1	1	1	.....	.....	.....
Lippincott .....	.....	.....	.....	1	1	1
Magruder .....	1	1	1	.....	.....	.....
Miller .....	1	1	1	.....	.....	.....
Montgomery .....	1	1	1	.....	.....	.....
Morgan .....	1	1	1	.....	.....	.....
Morrison .....	1	1	1	.....	.....	.....
Munday .....	1	1	1	.....	.....	.....
O'Brien .....	.....	.....	.....	1	1	1
Patrick .....	.....	.....	1	.....	.....	.....
Porter.....	1	1	1	.....	.....	.....
Powell .....	.....	.....	.....	1	1	1

NAMES.	Anderson.	Shurtleff.	Bradley...	Huggins..	Connor...	Lyons ....
Ross .....	1	1	1			
Scott .....		1	1	1		
Showalter .....			1			
Smith of Tulare .....		1	1		1	
Spence .....	1	1	1			
Stearns.....	1	1		1		
Tilden.....				1	1	1
Tilton .....	1	1	1			
Tittel .....	1	1	1			
Walter .....		1		1	1	
White.....	1	1	1			
Willey .....	1	1	1			
Wood of Plumas.....	1	1	1			
Wood of Yolo .....	1	1	1			
Wright.....			1		1	1

Mr. Haun gave one vote for Mr. Ford.

Whole number of votes cast, eighty-eight.

Necessary to a choice, forty-five.

Mr. Anderson received sixty votes.

Mr. Shurtleff received sixty-two votes.

Mr. Bradley received sixty votes.

Mr. Huggins received twenty-nine votes.

Mr. Connor received twenty-three votes.

Mr. Ford received one vote.

Messrs. Anderson, Bradley, and Shurtleff, each having received a majority of all the votes cast, the President declared them duly elected Trustees of the State Insane Asylum at Stockton for the time proscribed by law.

The business for which the convention assembled having been accomplished, the President declared the same adjourned *sine die*.

The President and Senators then proceeded to the Senate Chamber.

#### IN SENATE.

President in the Chair.

Roll called.

Quorum present.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.



## IN SENATE.

SENATE CHAMBER,  
Saturday, April 6th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Senate Bill, No. 126, An Act more clearly to define the Boundaries of Sacramento County and to amend the Act entitled an Act to amend an Act entitled An Act dividing the State into Counties and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one—was taken up.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Heacock, Warmcastle, and Parks, and taken with the following result: Ayes, 5—noes, 13:

AYES—Messrs. Clark, Harvey, Heacock, Parks, and Shafter—5.

NOES—Messrs. Crittenden, Eagan, Edgerton, Gallagher, Haynes, Irwin, Merritt, Pico, Rhodes, Warmcastle, Watson, Williamson, and Mr. President—13.

So the Senate refused to pass the bill.

Mr. Clark presented a petition from the Board of Supervisors of the City and County of Sacramento asking that a grant of franchise for building a Bridge across the American River at a point known as Lisle's Bridge be given to the authorities of the City and County of Sacramento.

Read and referred to the Sacramento Delegation.

Mr. Burbank presented a petition from P. J. O'Connor relative to the plans and specifications for the building of the State Capitol.

Referred to the Committee on State Prison and Public Grounds.

## REPORTS.

Mr. Dickinson made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries have had under consideration Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County by the qualified voters of said County—and I am directed to report the bill to the Senate and recommend its passage without amendment.

DICKINSON,  
Chairman.

Report received, and with bill, placed on file.

Mr. Crittenden made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures, to whom was referred Report of the Secretary of State for the year ending December thirty-first, eighteen hundred and sixty;

Also, report of expenditures of the Contingent Fund of the Surveyor-General and State Land Office for the year eighteen hundred and sixty;

Also statement of contingent expenses of the Governor's office from January fourteenth, to December thirty-first, eighteen hundred and sixty, inclusive;

Also, statement of contingent expenses of Attorney-General's office from January first, eighteen hundred and sixty, to January first, eighteen hundred and sixty-one;

Also, statement of the expenditures of the State Treasurer's Contingent Fund, from January first, eighteen hundred and sixty, to January first, eighteen hundred and sixty-one—have examined the reports and statements enumerated and therein corresponding vouchers, and find that the expenditures therein set forth have been made according to law.

R. D. CRITTENDEN,

Report accepted.

Chairman.

Mr. Thomas made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate Bill, No. 137, An Act making an appropriation for the payment of the claims of I. & S. Wormser, Assignees of Wm. Dougherty and J. C. Lewis, for newspapers furnished Senate, Eleventh Session;

Also, Senate Bill, No. 229, An Act to change the name of Daniel McDonough to that of James Henry Warwick;

Also, Senate Bill, No. 195, An Act defining the time of holding the Court of Sessions in the County of Fresno;

Also, Senate Bill, No. 249, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County and create a Contingent Fund, passed April fifteenth, eighteen hundred and sixty;

Senate Bill, No. 213, An Act authorizing the Board of Supervisors of Tehama County to remove the remains from the old Grave-Yard in Red Bluff to the new Cemetery and to levy a Tax to pay the costs of the same;

Also, Senate Bill, No. 128, An Act concerning the City of San José and to ratify and confirm a certain Ordinance of the Common Council of said City;

Also, Senate Bill, No. 151, An Act for the relief of William Greenhood;

Also, Senate Bill, No. 68, An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two;

Also, Senate Bill, No. 61, An Act concerning Officers;

Also, Senate Bill, No. 125, An Act concerning certain Real Estate;

Also, Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn for services as State Prison Director from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one.

Respectfully submitted.

PHILIP W. THOMAS,

April 6th, 1861.

Chairman.

Report accepted.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 181, An Act in relation to the entry of Lands in certain cases;

Also, Senate Bill, No. 264, An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of Turnpike Roads;

Also, Senate Bill, No. 272, An Act concerning the office of Tax Collector in the County of Placer;

Also, Senate Bill, No. 268, An Act to appropriate Money to pay the claim of E J. Saunders and others—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Watkins made the following report:

Mr. PRESIDENT:—The undersigned member of the Committee on Claims to whom was referred the claim of G. D. Bliss for three thousand two hundred and three dollars and nine cents, being balance due on a warrant for six thousand eight hundred and fifty-one dollars and forty-seven cents, dated December fourth, eighteen hundred and fifty-three, issued by the State for beef furnished the State—has had the subject under consideration, report the same back and recommend the payment of the sum due.

From an examination of the facts it appears that the warrant was presented to the Legislature for payment at the session of eighteen hundred and fifty-eight, during the absence of the claimant from the State, and was referred to the Committee on Claims of the Senate; that the committee went behind the warrant and took testimony with a view to show the consideration upon which the warrant was issued; that by reason of the absence of the claimant the Commissary's receipt for only a portion of the supplies furnished were presented, and that as far as the receipts were presented the claim was allowed amounting to three thousand two hundred and three dollars and nine cents.

The undersigned deem that the State has no right to go behind the warrant, but permitted the claimant to produce the evidence necessary to show that the whole amount of supplies for which the warrant was issued was furnished, which evidence, in the form of a certificate of the State Prison Directors, now on file in the Controller's office, was produced by the claimant before the undersigned and which was not produced before the committee in eighteen hundred and fifty-eight. The undersigned is therefore of the opinion that the sum of three thousand two hundred and three dollars and nine cents is now due the claimant by the State, a bill for which is herewith reported and its passage recommended.

WATKINS,  
Chairman.

Report received, and bill reported by the committee read first and second times, and placed on file.

Mr. Parks made the following minority report:

Mr. PRESIDENT:—The undersigned member of the Committee on Claims to whom was referred the claim of G. D. Bliss & Co. find upon examination that the same has been before the Legislature in the year eighteen hundred and fifty-eight, and that a portion of the same was audited and allowed, and it is the opinion of the undersigned that it was the intention of the Legislature to pay the claim in full and that the warrant accompanying this claim belongs to the State and should have been canceled, and that the parties had no right to draw the same from the office of the Secretary of State.

W. H. PARKS.

Report received, and placed on file.

Mr. Watkins made the following report:

Mr. PRESIDENT :—The Committee on Claims, to whom was referred the claim of Greenhood & Newbauer for expressing coin from Shasta to Weaverville—have had the same under consideration and report the same back with the accompanying bill and recommend the passage of the bill.

WATKINS,

Chairman.

The bill reported by the committee was read first and second times, and placed on file.

Mr. Rhodes made following report :

Mr. PRESIDENT :—The Committee on Claims, to whom was referred Senate Bill, No. 161, Claim of Martin Brannon for the amount paid into the Treasury of the State for certain Poll Tax receipts—have had the same under consideration and report the same back with two additional sections to the bill and recommend the passage of the bill as amended.

PARKS,  
HAYNES,  
RHODES,

Committee.

Report received, and with bill, placed on file.

Mr. Watkins made the following report :

Mr. PRESIDENT :—The Committee on Claims, to whom was referred the claim of Richard M. Jessup for transportation of Arms, etc. from San Francisco and Benicia to Sacramento—have had the same under consideration and the undersigned member of the committee beg leave to report the same back with the accompanying bill and recommend the passage of the bill.

WATKINS,

For the Committee.

Bill above reported read first and second times, and placed on file.

Mr. Parks made the following minority report :

Mr. PRESIDENT :—The Committee on Claims, to whom was referred the claim of Richard M. Jessup for the transportation of Arms, etc. from San Francisco to Sacramento—have had the same under consideration and the undersigned members of the committee are of the opinion the United States Government should be called upon to pay the amount claimed.

W. H. PARKS,  
A. S. RHODES.

Report received, and placed on file.

Mr. Edgerton reported back Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano which accrued from and after the first day of May, A. D. eighteen hundred and fifty-four, to the first day of October, A. D. eighteen hundred and sixty-one, and to provide for the payment of the same.

Report received, and with bill, placed on file.

Mr. Rhodes moved that the Senate refuse to recede from its amendments to Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child.

Carried.

Mr. Pico made the following report :

Mr. PRESIDENT:—The San Bernardino Delegation, to whom was referred Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County—have had the same under consideration and report it back with the substitute and recommend the passage of the substitute.

PICO,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Franklin made the following report :

Mr. PRESIDENT:—The Tuolumne Delegation, to whom was referred Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County salaried Offices, approved February twenty-second, A. D. eighteen hundred and sixty-one—have had the same under consideration and recommend its passage without amendment.

FRANKLIN,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Heacock made the following report :

Mr. PRESIDENT:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 264—have had the same under consideration and report the same back with the following amendment recommending its passage :

Strike out the word "services" in fourth line of section one, and insert in lieu thereof the word "sessions."

CLARK,  
HEACOCK.

Report received, and with bill placed on file.

Mr. Haynes made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 376, entitled An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County—herewith reports the same back with the following amendment, viz :

In section seven, line four, strike out the word "repealed," and insert the words "rendered inapplicable to the county of Siskiyou."

And recommend that the bill as amended be passed.

J. P. HAYNES,  
Senator Twelfth Senatorial District.

April 6th, 1861.

Report received, and with bill, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 40—and find the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 6th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate

Bill, No. 98, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

Also, Senate Bill, No. 111, An Act to grant the right of way to construct a Toll-Bridge across Feather River near Oroville in Butte County;

Also, Senate Bill, No. 274, An Act relating to the payment of Stewards for the San Francisco Fire Department.

JOHN G. DOWNEY,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
April 6th, 1861. }

Mr. PRESIDENT:—The House on the first instant, passed Assembly Bill, No. 111, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou;

Also, Assembly Bill, No. 128, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 160, An Act amendatory of an Act to amend An Act concerning the office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 264, An Act to amend An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 265, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

Also, adopted Assembly Concurrent Resolution, No. —, Relative to Joint Committee on Public Buildings and Grounds—and ask the concurrence of the Senate;

Also, on yesterday concurred in Senate amendments to Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco;

Also, concurred in Senate amendments to Assembly Bill, No. 57, An Act to grant to certain parties the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco and to run Horse-Cars thereon;

Also, concurred in Senate amendments to Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco;

Also, to Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento to use and maintain the same;

Also, on the fourth instant, the House passed Senate Bill, No. 118, An

Act to reimburse to Mary B. Russell certain Moneys expended by the Sisters of Mercy for the burial of the dead;

Also, passed this day Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale;

Also, on the fourth instant, receded from its amendment to the eleventh section of Assembly Bill, No. 199, An Act to create the County of Esmeralda, to define its boundaries, and provide for its organization.

J. W. SCOBIE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 111, above reported—was taken up, read first and second times, and referred to the Humboldt, Siskiyou, and Napa, delegations.

Assembly Bill, No. 128—was read first and second times, and referred to the Committee on Finance.

Assembly Bill, No. 160—was read first and second times, and referred to the Library Committee.

Assembly Bill, No. 264—was read first and second times, and referred to the delegation.

Assembly Bill, No. 265—was read first and second times, and referred to the delegation.

Assembly Concurrent Resolution, No. 50, Relative to Joint Committee on Public Buildings and Grounds—was read and concurred in.

Mr. Logan offered the following resolution :

*Resolved*, That the Controller of State is hereby directed to draw his warrant on the Treasurer, payable out of the Contingent Fund of the Senate, in favor of the following persons and for the following sums, viz: Wm. H. Parks, eighty dollars; O. Harvey, eighty dollars; and Samuel A. Merritt, eighty dollars—being the amount of mileage due said persons as members of Senate Committee to visit State Reform School, and Industrial School, at San Francisco, as per report of Mileage Committee.

Mr. Leet moved to strike out "eighty" and insert "seventy" wherever it occurred in the resolution.

Lost.

Mr. Denver moved to strike out "eighty," and insert "seventy dollars and eighty cents."

Carried.

The resolution as amended was then adopted.

Mr. Ryan moved to take up Senate Bills, Nos. 36, 17, and 85, Relative to Pilot Laws in San Francisco—and make them the special order for Wednesday, April tenth, at half past two o'clock, p. m.

Lost.

Mr. Shafter made a verbal report on Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco and for other purposes therein mentioned—recommending its passage.

#### INTRODUCTION OF BILLS.

Mr. Eagan, by leave, introduced a bill for an act entitled An Act to fix the terms of the District Court in the County of Mono.

Read first and second times, and referred to the Senator from Amador.

Mr. Eagan also, by leave, introduced a bill for an act entitled An Act fixing the times of holding the Court of Sessions and County Court in the County of Mono.

Read first and second times, and referred to the Senator from Amador.

Mr. Eagan, also, by leave, introduced a bill for An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 268, An Act to appropriate Money to pay the claim of E. J. Saunders and others—was taken up, and passed.

Senate Bill, No. 40, An Act to provide for the disposition of certain property of the State of California—was taken up, and passed.

Mr. Warmcastle moved to reconsider the vote by which the Senate on yesterday refused to adopt a Concurrent Resolution allowing the Clerk of the Investigating Committee for services rendered to said committee.

Carried.

The resolution was then adopted.

#### GENERAL FILE.

Senate Bill, No. 99, An Act to audit and allow a claim of John F. McCauley against the State—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, ordered engrossed, and read a third time.

Senate Bill, No. 201. An Act to audit and allow the claim of A. M. Winn—was considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill considered engrossed, read a third time, and passed.

Mr. Burbank moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Chase, Crittenden, De Long, Franklin, Gallagher, Harvey, Heacock, Irwin, Merritt, Phelps, Rhodes, Ryan, Sharp, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, and Williamson.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Warmcastle, Rhodes, and Watson, appearing at the bar of the Senate were admitted.

Mr. Thomas moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded by Messrs. Leet, Edgerton, and Burbank, and taken with the following result: Ayes, 3—noes, 13:

AYES—Messrs. Dickinson, Logan, and Thomas.

NOES—Messrs. Burbank, Clark, Denver, Eagan, Edgerton, Haynes, Heacock, Leet, Parks, Pico, Rhodes, Shafter, and Warmcastle—13.

So the Senate refused to adjourn.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, considered engrossed, read a third time, and passed.

Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion



authorized by law to be paid into the General School Fund which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April ninth, eighteen hundred and fifty-nine—was taken up, read a third time, and passed.

Senate Bill, No. 234, An Act to pay certain claims and to make an appropriation for the same—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 238, An Act for the relief of Thomas W. Day, County Treasurer of Monterey County, to reimburse him for costs and expenses incurred by him in a suit for writ of *mandamus* wherein David Jacks was plaintiff—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 208, An Act to amend an Act entitled An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 131, An Act concerning District Court Reporters for the Twelfth, Fourth, and Sixth, Judicial Districts—was taken up, and made the special order for Tuesday, April ninth, at two o'clock, p. m.

Senate Bill, No. 23, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 211, An Act supplementary to an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was taken up, and indefinitely postponed.

Senate Bill, No. 215, An Act in relation to Bills of Exchange and other negotiable instruments—was considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 232, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and amended May eighteenth, eighteen hundred and fifty-three—was taken up, and indefinitely postponed.

Mr. Egan moved that the Senate do now adjourn.

Lost.

Senate Bill, No. 16, An Act creating the Eighteenth Judicial District of this State and providing for the holding of Courts therein—was taken up, and indefinitely postponed.

Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego and to define their duties, approved May third, eighteen hundred and fifty-two—was taken up, and considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Senate Bill, No. 205, An Act amendatory of, and supplemental to, An Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 228, An Act amendatory of, and supplementary to, an Act entitled An Act to give to the proceedings of the Courts of Probate the same effect as Courts of general jurisdiction, passed March twenty-seventh, eighteen hundred and fifty-eight—was taken up, and indefinitely postponed.

Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Senate Bill, No. 246, An Act supplementary to the Act explanatory of an Act to amend An Act concerning Notaries Public, passed April twentieth, eighteen hundred and fifty-nine—was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 78, An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five—was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereto—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, April 8th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Absent—Messrs. De Long, Gallagher, Merritt, Phelps, Ryan, Sharp, Thornton, and Watt.

## REPORTS.

Mr. Rhodes made the following report :

MR. PRESIDENT:—The Santa Clara Delegation, to whom was referred Assembly Bill, No. 260, An Act to incorporate the City of Santa Clara, and to repeal certain Acts—have had the same under consideration, and beg leave to report the said bill back, with the following amendment, and recommend that it be passed when so amended :

Sec. 34. Strike out all of the section after, and including, the word "*provided.*"

A. S. RHODES.

Mr. Leet made a verbal report on Assembly Bill, No. 320, An Act to amend an Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty—reporting back a substitute and recommending its passage.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 8th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 151, An Act for the relief of William Greenhood ;

Also, Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn, for Services as State Prison Director, from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 137, An Act making an appropriation for the payment of the claims of I. & S. Wormser, Assignees of William Dough-

erty and I. C. Lewis, for Newspapers furnished Senate during the Eleventh Session ;

Also, Senate Bill, No. 229, An Act to change the name of Daniel McDonough to that of James Henry Warwick ;

Also, Senate Bill, No. 195, An Act defining the time of holding the Court of Sessions in the County of Fresno ;

Also, Senate Bill, No. 249, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and create a Contingent Fund, passed April fifteenth, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 213, An Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Grave-Yard, in Red Bluff, to the new Cemetery, and to levy a Tax to pay the cost of the same.

JOHN G. DOWNEY,  
Governor.

#### REPORTS.

Mr. Irwin made the following report :

Mr. PRESIDENT :—The Committee on Enrolled Bills have examined Senate Bill, No. 200, An Act to amend An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five ;

Also, Senate Bill, No. 269, An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across the Yuba River—and report the same correctly engrossed.

RICHARD IRWIN.

Report accepted.

Mr. Haynes made the following report :

Mr. PRESIDENT :—The undersigned, members of the Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 274, entitled An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine—have had the same under consideration, and herewith report the same back, and recommend its passage, with an amendment.

SOL. A. SHARP,  
JOHN H. WATSON,  
J. P. HAYNES.

On motion of Mr. Edgerton, the rules were suspended, and the bill above reported, was taken up, amended, rules suspended, and bill passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 8th, 1861. }

Mr. PRESIDENT :—The House, on the first instant, passed Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State ;

Also, on the fourth instant, passed Assembly Bill, No. 232, An Act amendatory of An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for a right of way for the same ;

Also, on the sixth instant, passed Senate Bill, No. 266, An Act appropriating Money for the payment of the Copying of the Legislature during the Twelfth Session ;

Also, Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty ;

Also, Senate Bill, No. 187, An Act to authorize Robert Davidson to execute a certain Conveyance in behalf of his Infant Children ;

Also, adopted Assembly Concurrent Resolution, No. 51, Relative to the Boundary Line between Honey Lake Valley and Nevada Territory—and ask the concurrence of the Senate ;

Also, concurred in Senate amendments to Assembly Bill, No. 329, An Act to amend Section Thirty-Six of an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento ;

Also, passed Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated to this State under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas, and other States, to reclaim the Swamp Lands within their limits.

J. W. SCOBEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State—was read first and second times, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 232, An Act amendatory of An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for a right of way for the same—was read first and second times, and referred to the Committee on Corporations.

Assembly Concurrent Resolution, No. 51, Relative to the Boundary Line between Honey Lake Valley and Nevada Territory—was read and referred to the Judiciary Committee.

Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated to this State under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas, and other States, to reclaim the Swamp Lands within their limits—was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Edgerton, Chairman of the Committee on Swamp and Overflowed Lands, returned Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress—with the request that the same be returned to the Assembly, as the bill had never passed that body, and was transmitted to the Senate by mistake.

#### INTRODUCTION OF BILLS.

Mr. Leet, by leave, introduced a bill for An Act to authorize Giles Bewel to remove the Remains of Deceased Persons in the Town of Michigan Bluff, Placer County.

Read first and second times, placed at the top of the file, taken up, considered engrossed, read a third time and passed.

Mr. Logan, by leave, introduced a bill for An Act relating to the Coso Silver Mining Company.

Read first and second times, placed on file, taken up, and referred to the Judiciary Committee.

Mr. Harvey, by leave, introduced a bill for An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for the use of the County.

Read first and second times, and referred to the El Dorado Delegation.

Mr. Shafter, by leave, introduced a bill for An Act to amend An Act to regulate Proceedings in Civil Cases in Courts of Justice in this State, in relation to new trials in Actions of Ejectment.

Read first and second times, and referred to the Judiciary Committee.

Mr. Franklin, by leave, introduced a bill for An Act to change the name of Gustav Madson.

Read first and second times, and placed on file.

Mr. Warmcastle, by leave, offered the following Concurrent Resolution :

*Resolved*, By the Senate, the Assembly concurring, that Thomas A. Brown, County Judge of Contra Costa County, have leave of absence from this State for a period of four months, the present year, eighteen hundred and sixty-one, at such time as he shall select.

Read and concurred in.

Mr. Edgerton moved to reconsider the vote by which the Senate, on Saturday, April sixth, refused to pass Senate Bill, No. 126, An Act more clearly to define the Boundaries of Sacramento County, and to amend the Act entitled An Act to amend an Act entitled An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

On motion of Mr. Clark, the motion to reconsider was made the special order for Wednesday, April tenth, at two o'clock, P. M.

#### GENERAL FILE.

Senate Concurrent Resolution, No. 24, Relative to the State Librarian—was taken up, and indefinitely postponed.

Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill, No. 149, An Act to define the Duties and Liabilities of Pawnbrokers and Pledges—was taken up, amended, read a third time, and passed.

Senate Bill, No. 251, An Act to authorize Mariah O'Connor, Administratrix of the Estate of Michael O'Connor, deceased, to sell and convey Real Estate—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, rules further suspended, bill considered engrossed, read a third time and passed.

Senate Bill, No. 182, An Act to legalize and confirm certain Sales of the Interest of the State of California in property situated in the City and County of San Francisco—was taken up, and indefinitely postponed.

Senate Bills, Nos. 240, 243, and 31—were taken up, and returned to file.

An Act in relation to the Probate Court in the City and County of San Francisco—was taken up, and recommitted to the Judiciary Committee.

Mr. Eagan, by leave, made a verbal report on Senate Bill, No. 293, An Act fixing the time of holding the Court of Sessions and County Court, in the County of Mono—recommending its passage.

On motion of Mr. Eagan, the rules were suspended, and the bill above reported was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, bill considered engrossed, read a third time and passed.

On motion of Mr. Rhodes, the title of the bill was amended in accordance with the amendments to section first.

Mr. Eagan, by leave, also made a verbal report on Senate Bill, No. 291, An Act to fix the terms of the District Court in the County of Mono—recommending its passage.

On motion of Mr. Eagan the rules were suspended, and the bill above reported was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Chase, the rules were suspended, and Senate Bill, No. 161, was taken up.

An Act to refund to Martin Brannan the amount paid into the Treasury of the State for certain Poll Tax Receipts—the same having been mislaid, was taken from file, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill considered engrossed, read a third time, and passed.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 53, An Act for the protection of Water Companies—was taken up, considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

On motion of Mr. Dickinson, Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks—was taken up, and placed at the top of the file.

Senate Bill, No. 237, An Act to exempt certain Property from Taxation—was taken up, and indefinitely postponed.

Assembly Bill, No. 155, An Act to appropriate Money to pay for Services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, read a third time, and passed.

Senate Bill, No. 190, An Act to provide for the ascertaining and payment of the value of the Interest of the State of California within the Water Line Front of the City of San Francisco, as defined in an Act entitled An Act to provide for the disposition of certain Property of the

State of California, approved March twenty-sixth, eighteen hundred and fifty-one;

Also, Senate Bill, No. 262, An Act to protect the Inventors and Designers of Plaster Ornaments for house decorating, interior and exterior Ornaments for houses and other buildings—were taken up, and indefinitely postponed.

Assembly Bill, No. 309, An Act to authorize the modification or alteration of certain Streets in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 236, An Act to authorize the Board of Supervisors of San Diego County to levy a Special Tax, to be applied for County Jail purposes—was taken up, and indefinitely postponed.

Assembly Bill, No. 244, An Act to amend An Act to fund the Debt of the County of Sonoma, and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, read a third time, and passed.

Senate Bill, No. 163, An Act to punish Trespassers—was taken up, and the substitute offered by the committee amended.

Mr. Eagan moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Watson, and Vance, and taken with the following result: Ayes, 7—noes, 11:

AYES—Messrs. Haynes, Logan, Parks, Rhodes, Warmcastle, Watson, and Vance—7.

NOES—Messrs. Burbank, Clark, Denver, Dickinson, Eagan, Edgerton, Hill, Leet, Pico, Shafter, and Mr. President—11.

So the Senate refused to indefinitely postpone the bill.

The question being on the adoption of the substitute, on motion of Mr. Parks, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, April 9th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Burbank, Clark, Crittenden, De Long, Eagan, Franklin, Gallagher, Harvey, Heacock, Parks, Ryan, Sharp, Thomas, Watkins, Watt, and Watson.

Mr. Phelps moved a call of the Senate.



Carried.

Roll called.

Absent—Messrs. Burbank, Clark, Crittenden, De Long, Eagan, Franklin, Gallagher, Harvey, Hoacock, Parks, Ryan, Sharp, Thomas, Watkins, Watson, and Watt.

Sergeant-at-Arms dispatched for absentees.

On motion of Mr. Phelps, further proceedings under the call were dispensed with

Mr. Leet asked and obtained leave of absence for Mr. Thomas for one day.

Mr. Haynes asked and obtained leave of absence for Mr. Ryan for one day.

Mr. Warmcastle asked and obtained leave of absence for Mr. Franklin for one day.

Mr. Chase asked and obtained leave of absence for Mr. Watt for one day.

Mr. Phelps asked and obtained leave of absence for Mr. Sharp for one day.

Minutes of yesterday read and approved.

#### REPORTS.

Mr. Harvey made the following report:

Mr. PRESIDENT:—The El Dorado Delegation, to whom was referred Senate Bill, No. 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a building for the use of the County—have had the same under consideration and report the bill back without amendment and recommend its passage.

O. HARVEY,

For the Delegation.

Report received, and with bill, placed on file.

Mr. Burbank made a verbal report on Senate Bill, No. 65, An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco—reporting a substitute and recommending the passage of substitute.

Report received, and with bill, placed on file.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills, have examined Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada;

Also, Senate Bill, No. 99, An Act to audit and allow a claim of John F. McCauley against the State;

Also, Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County;

Also, Senate Bill, No. 215, An Act in relation to Bills of Exchange and other negotiable instruments;

Also, Senate Bill, No. 78, An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereto—and report the same correctly engrossed.

MERRITT,

Chairman.

Report accepted.

39SEN

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 9th, 1861. }

Mr. PRESIDENT:—The House on yesterday passed Senate Bill, No. 198, An Act in relation to the compensation of the County Auditor of Butte County;

Also, Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco;

Also, Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized and Turnpike Road within the City and County of San Francisco;

Also, on the sixth instant, passed Assembly Bill, No. 270, An Act amendatory of an Act entitled An Act to repeal the several charters of the City of San Francisco to establish the Boundaries of the City and County of San Francisco and to consolidate the Government thereof, approved the nineteenth day of April, A. D. eighteen hundred and fifty-six, and of An Act amendatory and supplementary thereof, approved the eighteenth day of April, A. D. eighteen hundred and fifty-seven, and of An Act amendatory thereof, approved the twenty-eighth day of March, A. D. eighteen hundred and fifty-nine, and supplementary to said Acts;

Also, on yesterday concurred in Senate Concurrent Resolution, Relative to pay of Clerk of Joint Investigating Committee;

Also, on the sixth instant passed Assembly Bill, No. 370, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, on the eighth instant, passed Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children;

Also, Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River at or near Fort Yuma to certain parties therein named;

Also, Assembly Bill, No. 302, An Act to repeal so much of Section Seventeen of an Act entitled An Act concerning Estray Animals, passed April nineteenth, eighteen hundred and fifty-six, as relates to the County of Monterey and to make said Act applicable to said County of Monterey;

Also, Assembly Bill, No. 255, An Act concerning Roads and Highways in the County of Butte;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Companies and to extend the time of performing certain Acts;

Also, Assembly Bill, No. 300, An Act to change the name of Juan A. Suñiga to that of Alfred J. Hermosilla;

Also, Assembly Bill, No. 408, An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public or private sale;

Also, same day passed Senate Bill, No. 138, An Act making appropriation for the payment of the claim of James R. Hardenbergh for Postage Stamps furnished Senate Eleventh Session;

Also, Senate Bill, No. 272, An Act concerning the office of Tax Collector in the County of Placer.

J. W. SCOBEE,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco—was taken up, read first and second times, and placed on file.

Assembly Bill, No. 270, An Act amendatory of an Act entitled An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved the nineteenth day of April, A. D. eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved the eighteenth day of April, A. D. eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved the twenty-eighth day of March, A. D. eighteen hundred and fifty-nine, and supplementary to said Acts—was taken up, read first and second times, and placed on file.

Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized and Turnpike Road within the City and County of San Francisco—was taken up, read first and second times, and placed on file.

Assembly Bill, No. 370, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—was taken up, read first and second times, and referred to the Committee on Finance.

Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children—was taken up, read first and second times, and referred to the Butte Delegation.

Assembly Bill, No. 300, An Act to change the name of Juan A. Suñiga to Alfred J. Hermozillo—was taken up, read first and second times, and referred to the Committee on Public Morals.

Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company and to extend the time of performing certain Acts—was taken up, read first and second times, and referred to Mr. Pico.

Assembly Bill, No. 225, An Act concerning Roads and Highways in the County of Butte—was taken up, read first and second times, and referred to the delegation.

Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River, at, or near, Fort Yuma, to certain parties therein named—was taken up, read first and second times, and referred to Mr. Pico.

Assembly Bill, No. 302, An Act to repeal so much of Section Seventeen of an Act entitled An Act concerning Estray Animals, passed April nineteenth, eighteen hundred and fifty-sixth, as relates to the County of Monterey and to make said Act applicable to said County of Monterey—was taken up, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 408, An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public or private sale—was taken up, read first and second times, and referred to the Judiciary Committee.

Mr. Pico, by leave, introduced a bill for An Act to repeal the several Acts incorporating the City of Los Angeles and to provide for the Government thereof.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Merritt offered the following resolution :

*Resolved*, That the Engrossing Clerk be, and is hereby, empowered to employ an additional Assistant at a per diem of eight dollars payable out of the Contingent Fund of the Senate, said appointment to date from April eleventh, eighteen hundred and sixty-one.

Adopted.

Mr. Crittenden made the following report :

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date and find due the Secretary of the Senate :

Purpose.	Folio.	Per Folio.	Amount.
Journal Appendix.....	1,638	.5 cts.	\$245 76
For Printer.....	2,478	10 cts.	247 80
Totals.....	4,116	.....	\$493 56

CRITTENDEN,  
For Committee.

Report adopted.

Mr. Denver offered the following resolution :

*Resolved*, That the President of the Senate is hereby requested to appoint a Paper-Folder to fill the vacancy occasioned by the absence of the Paper-Folder heretofore appointed, and that the said appointee shall receive the same compensation allowed heretofore for similar purposes.

Laid on the table.

On motion of Mr. Rhodes, the Senate Committee appointed to make the State apportionment, were authorized to employ a Clerk.

Senate Bill, No. 80, An Act to provide for the incorporation of Railroad Companies and the management of the affairs thereof and other matters relating thereto—was taken up, and considered in Committee of the Whole.

Pending which, the hour arrived for the consideration of the general file.

On motion of Mr. Phelps, the bill under consideration was placed at the top of the file.

Senate Bill, No. 80—was taken up, considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, and placed at the top of the file.

Mr. Edgerton offered the following resolution :

*Resolved*, That the Enrolling Clerk of the Senate be, and he is hereby, authorized to appoint an Assistant, who shall receive eight dollars per day, payable out of the fund set aside for the payment of officers and Clerks of the Senate, his appointment to date from the tenth of April.

Adopted.

On motion of Mr. Eagan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, April 10th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. De Long, the Forty-Fifth Rule was suspended, and the Secretary was directed to transmit Senate Bill, No. 303, to the Assembly forthwith, the same having passed on yesterday.

Mr. Shafter presented a remonstrance from Thomas N. Selby & Co. and three thousand three hundred and ninety others, residents of San Francisco, against granting wharf privileges in San Francisco.

Referred to the Committee on Commerce and Navigation.

## REPORTS.

Reports were made as follows :

Mr. Merritt made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 208, An Act to amend an Act entitled An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz ;

Also, Senate Bill, No. 205, An Act amendatory of, and supplemental to, an Act passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments ;

Also, Senate Bill, No. 161, An Act to refund to Martin Brannan the amount paid into the Treasury of State for certain Poll Tax Receipts, the same having been mislaid ;

Also, Senate Bill, No. 201, An Act to provide for the payment of the Claim of Gen. A. M. Winn—and find the same correctly engrossed.

MERRITT,

Report accepted.

Chairman.

Mr. Merritt also made the following report :

MR. PRESIDENT:—The Judiciary Committee to whom was referred a resolution requesting them to report a bill to provide revenue for the support of the government of this State, respectfully report the accompanying bill and recommend its passage.

MERRITT,

Acting Chairman.

The bill above reported was read first and second times, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Bill reported back without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Merritt, the Forty-Fifth Rule was suspended, and the Secretary directed to transmit the bill to the Assembly forthwith.

Mr. Vance made the following report :

MR. PRESIDENT:—Your Committee on Public Morals, to whom was re-

ferred Assembly Bill, No. 300, An Act to change the name of Juan A. Suñiga to that of Alfred J. Hermozilla—have had the same under consideration, and hereby report it back without amendment, and recommend its passage.

VANCE,  
Chairman.

Report received, and with bill placed on file.

Mr. De Long made the following report :

Mr. PRESIDENT :—The Committee on Corporations, to whom was referred Assembly Bill, No. 245—having had the same under consideration, report the same back with an amendment, and recommend its passage ;

Also, your committee to whom was referred Assembly Bill, No. 232—having had the same under consideration, report the same back, and recommend that it be indefinitely postponed.

DE LONG,  
For Committee.

Report received, and with bills placed on file.

Mr. Vance made the following report :

Mr. PRESIDENT :—The Special Committee, to whom was referred Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his infant Children—have had the same under consideration, and report the same back and recommend its passage.

VANCE,  
Chairman.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

Mr. Williamson made the following report :

Mr. PRESIDENT :—Your Committee on Enrolled Bills, have examined Senate Bill, No. 266, An Act appropriating Money for the payment of the Copying of the Legislature during the Twelfth Session—and report the same correctly enrolled, and at eleven o'clock, A. M. delivered the same to the Governor for his approval.

WILLIAMSON,  
For Committee.

Report accepted.

Mr. Burbank, from the San Francisco Delegation, to whom was referred Senate Bill, No. 290, An Act to authorize property holders to open a Street in front of certain Lots in the City and County of San Francisco—reported the same back verbally, recommending its passage.

Report received, and bill placed on file.

Mr. Burbank, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 199, An Act to fix the location of Brady Street, in the City and County of San Francisco—reported the same back verbally, recommending its passage.

Report received, and bill placed on file.

Mr. Burbank, from the Committee on Public Morals, to whom was referred Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrar to Sullivan Milton Farren—reported the same back verbally, recommending its passage.

Report received, and bill placed on file.

Mr. Eagan, from the Committee on Education, to whom was referred Assembly Bill, No. 74—reported the same back verbally, recommending its passage, with certain amendments reported therewith.

Report received, and bill, with proposed amendments, placed on top of file for Friday next.

On motion of Mr. Vance, leave of absence was granted to Mr. Sharp for one day.

Mr. Merritt made the following report :

MR. PRESIDENT :—The Joint Committee of Senate and Assembly, instructed to proceed to Marysville to examine into the affairs of the State Reform School, and also to visit the Industrial School at San Francisco with reference to a proposed transfer of the State Reform School thereto, having performed the duty assigned them, beg leave to report as follows:

Though unavoidably delayed for several weeks, your committee, on the twenty-second ult. visited the Reform School at Marysville.

#### LOCATION.

Its location we found to be upon the east bank of the Feather River, six miles above its confluence with the Yuba, and about the same distance north from Marysville. It is accessible by an excellent public road which leads to Oroville, passing about one-half mile from the buildings of the school.

It will be remembered that this site for the State Reform School was selected by a Board of Commissioners appointed by Governor Weller in the early part of eighteen hundred and fifty-nine, he acting under the authority of an act entitled An Act for the erection and establishment of a State Reform School, passed April fourteenth, eighteen hundred and fifty-nine. These grounds were purchased by the city of Marysville from Chas. E. Covillaud, Esq. of Yuba, and by him deeded to the State for the purposes of a State Reform School. The lot of ground embraces one hundred acres—eighty-five high, and fifteen low, or bottom, land. The former was purchased at ten dollars, and the latter at thirty dollars, per acre, the whole amounting to the sum of one thousand three hundred dollars. The highest portion of these grounds is "plain land," and lies about thirty feet above the river, by which it is bounded upon the west. The soil of this portion of the lot appears to be of moderate fertility, but of a character readily susceptible of any required degree of improvement. The lower grounds have a rich alluvial soil extremely productive. The whole place, especially that portion lying along the above river bank, is well timbered with fine oak and other wood which add materially to the beauty of the grounds, and will in summer afford ample and delightful shades. Amid clusters of these trees the buildings for the Reform School are being erected.

The wisdom, or the lack thereof, displayed by the Commissioners of eighteen hundred and fifty-nine in selecting the above site for a State Reform School, your committee do not feel called upon herein to discuss. Doubtless, it has its advantages and disadvantages, as would have had any other which could have been chosen. Probably, no location was, or even now would be, possible which would give entire satisfaction to all parties, while all adopt their own advantage, or convenience, as the stand point for their approval, or disapproval. Your committee, however, were unanimously of the opinion that a site nearer the city of Marysville would have been preferable to the one selected. So long as the inmates of a Reform School are detained within their appropriate buildings, or inclos-

ures, (as of necessity they always should be,) your committee see no advantages arising from such isolation. A well regulated Reform School is by no means a moral pest-house that it should be studiously placed so remotely from other dwellings! Were the buildings, now being erected, within any city, or town, they would, when completed, be at once ornamental and attractive in the extreme. But the location has been made, the site of the buildings fixed, the State is in possession and ownership of the property, and the improvements thereon are far advanced toward completion.

#### PRESENT ORGANIZATION.

The present Board of Trustees (rather two of the present members, one having deceased) were elected in Joint Convention of the last Legislature, near the close of its session, under the provisions of an act entitled *An Act for the establishment of a State Reform School and the erection of Buildings for the same*, approved April eighteenth, eighteen hundred and sixty.

On the twenty-second day of May following, the Trustees elect met at Marysville and, having duly filed their bonds (wherein they are jointly and severally bound in the sum of twenty-five thousand dollars for their faithful performance of duty,) they organized according to the terms and conditions of the Reform School Act, electing one of their number President, and another Secretary, of the Board of Trustees. Acting under the provisions of the said act, the Governor also appointed one of the Trustees—Mr. Lowry—as General Superintendent. Thus, in the Board of Trustees were the three offices of President, Secretary, Superintendent, held; but necessarily so, from the express provisions of the law under which they were elected and held their offices. The Board of Trustees, however, subsequently elected a third of their number to the office of Architect, which office your committee think might, perhaps, with more propriety, been filled, as it has since, and for several months, been, by some gentleman from without their Board. And your committee are of the opinion that the appointment of Architect was made several months sooner than the services of that officer were required; which fact, however, might not have been—probably was not—foreseen by the Trustees at the time this appointment was made.

#### SALARIES.

The salaries of the Trustees and officers of the Board per month, are as follows:

Salary Board of Trustees—three members—at \$50.....	\$150 00
Salary of Superintendent.....	50 00
Salary of Secretary (this office not now filled). ....	50 00
Salary of Architect.....	200 00
<b>Total salaries per month.....</b>	<b>\$450 00</b>
<b>Total of all salaries paid up to April 5th.....</b>	<b>\$3,841 66</b>

Certainly, these salaries, as above shown, are not exorbitant. There may be a question as to the necessity, past or present, of one, or two, of these offices; but in this matter the Trustees have had no discretion, consequently no responsibility—the offices having been created by law,



as above stated. However, this matter is of no very great moment now, as the offices of Superintendent and Architect soon expire by limitation, on completion of the buildings.

Upon the organization of the Board of Trustees on the date as above given, advertisements were immediately published for plans and specifications for the required buildings. In the acceptance of the one adopted by them, your committee are of the opinion that the Trustees labored somewhat under a misapprehension of the present demand of the State to be met by the institution in question. But this is a matter of opinion—time only can test its accuracy. The Trustees complain that they had little to guide them in the adoption of plans; the act on which only they had to rely, containing but this provision on the subject of buildings, to wit: "The Trustees shall be authorized and empowered to erect, or cause to be erected, a building suitable for the accommodation of *not less than eighty boys*, and for all necessary offices for teachers and assistants," etc. etc. Thus, they say, they found they could not erect a building of the above dimensions, with all the necessary rooms for offices and teachers, and servant dormitories, and workshops for boys, kitchens, storerooms, washrooms, etc. etc. for the appropriation made for that purpose, viz: thirty thousand dollars. They therefore adopted a plan for buildings which they thought would be sufficiently capacious; one which, when completed, would do for the present, and for several years to come, and which the appropriation of thirty thousand dollars would only partially complete.

#### PLAN AND DESCRIPTION OF BUILDINGS.

The buildings, if erected according to the plans adopted, will be of brick. The main central structure is to be two hundred and eighteen feet in length, by fifty-one feet in depth—three stories in height. From each end of this main building there is to extend an ell, or wing, one forty-eight by eighty feet, the other thirty-five by seventy-two feet, both to be three stories in height. Within the court thus formed, on three sides by the main building and projecting wings, a third building is contemplated in the plans adopted, to be used as a storeroom, kitchen, dining hall, bathroom, etc.

The plans adopted by the Trustees, are, in the opinion of your committee, in the main, excellent; but, as before intimated, we think them more extensive in design than are, or for many years will be, required. We would, therefore, recommend that the plans adopted be somewhat modified so as to render the buildings complete on a smaller scale and, hence, less expensive.

#### CONTRACT.

We find the Trustees have entered into a contract with Mr. John A. Steele for the erection of the main central building and the smaller, or south wing, the contract including the erection of the outer and inner walls, the partitions, the putting in of all flooring joists, the insertion of all door and window frames, granite door-sills, the completion of the roof and cornices, etc. The amount of the contract for this work is twenty-four thousand nine hundred dollars.

By the conditions of the contract, this work on the central building should have been completed on the first of last February. All the contract work is to be fully completed on the first of July ensuing. The failure of the Contractor in the completion of the main building at the time specified in his contract, he alleges to have been in consequence of failure on the part of the Trustees in making their payments to him,

according to stipulations, to wit: on the first and fifteenth of each and every month.

Up to the twenty-second of the present month, we find there had been paid the Contractor, on account, the sum of eleven thousand six hundred and eighty-eight dollars, the same being seventy-five per cent. on estimated value of all labor and materials furnished under contract—these estimates to be made by the Architect, under oath, twice each month as above stated. Thus, it would appear that up to the present time, there has been work and materials furnished upon the building of the Reform School to the amount of about sixteen thousand dollars, or two-thirds of the amount of the contract. We find the outer main walls erected to the third story, the inner to the second, and the necessary flooring joists inserted. The work is now rapidly approaching completion. We are informed by the Architect that, under present contract, all may be completed in about thirty days. The required lumber, bricks, and lime, are already upon the ground, as are also the material for the cornices, etc.

#### CONTRACTOR AND CHARACTER OF WORK.

Your committee have pleasure in saying that all materials thus far used, as well as labor performed, appear to be of the very best character and quality; in short, strictly in accordance with the contract which is at once guarded and exacting in its stipulations.

#### TRUSTEES.

The Trustees of the school appear to be using every means possible for the advancement of the interests of the institution under their charge, and for securing its early organization. We feel confident that nothing will hereafter be lacking on their part in securing the object so much to be desired. In this connection, your committee would commend the constant and untiring efforts of Mr. J. C. Pelton, on behalf of the State Reform School, during the past year. As one result of his labor, independent of the great advantages which will accrue to this institution from his experience and extensive observations, in the east, during six, or eight, months' travel among Reformatory Schools, he has secured an excellent library, of about two thousand volumes. Also a very large collection of charts, maps, school books, school stationery, etc. all free of charge.

Your committee would unanimously recommend that Mr. Pelton be compensated for his services, in such sum as the Legislature deem just.

#### SAN FRANCISCO INDUSTRIAL SCHOOL.

On the thirty-first ult. your committee, as instructed, visited the Industrial School, at San Francisco. We were accompanied by a committee of its Board of Managers of that institution, and by them shown the grounds and apartments of the school.

#### LOCATION.

The institution we found located on the former stage road to San José, about six miles south of San Francisco, three from the Mission Dolores. It is pleasantly situated, on the eastern slope of a hill, lying west of the Mission, thence running southward. The buildings front eastward, and from their picturesque eminence overlook the adjacent and partially surrounding valley. In the foreground, beyond this valley, stand the promontories of Mount San Bruno, beyond which are seen the waters of San Francisco Bay, and in the distance, the Coast Range, with its towering peak of Monte Diablo. This scenery, without this institution, is at once sublime and beautiful; but within, we are forced to say, that the aspect

changes. The appearance of the buildings, even without, are prison like—within, much more so.

#### DESCRIPTION OF BUILDINGS.

The building is constructed of stone in the basement, and brick in the other stories. The center building is forty-five feet by fifty-seven, two stories, with basement. The original plan contemplates two wings from the main building, of similar dimensions, each to be of brick, twenty-three by fifty-nine feet, two stories in height. Only one of those wings—the south—has been erected. In this are situated the cells, or dormitories, for the boys, the school room, dining room, etc. the rooms of the officers of the institute occupying the central building. The cost of construction was about twenty-five thousand dollars.

Attached to the school are one hundred acres of ground, most of which is susceptible of cultivation. The cost of the ground, or Reform School Lot, was thirty thousand dollars. These lands have since somewhat increased in value, and may now, perhaps, be valued at forty to fifty thousand dollars.

#### ORGANIZATION.

This institution was established by authority of an act entitled An Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight. It was organized on the seventeenth of May, of the following year. It has, therefore, been in full operation about two years. Its management consists of a President, and Vice-President, Secretary, and Treasurer, and twelve Managers. The Managers being chosen by annual and life members of the institution. Your committee, after visiting the above Industrial School, and carefully noting whatever might assist them in the discharge of their duty, met in conference with the Board of Managers of the above school, to listen to such propositions as they might have to submit, contemplating the acceptance by the State of the Institution under their charge, and its future maintenance as a State Reform School, or their maintenance of the State juvenile delinquents.

The following are the propositions received by your committee from the said Managers, to-wit:

#### FIRST PROPOSITION.

The first proposition was the reception into the San Francisco Industrial School, and the maintenance and proper education, of all the State's juvenile delinquents, for the sum of one thousand dollars per month, during a period of three years.

#### SECOND PROPOSITION.

The second proposition was the free rent of the buildings and grounds, for five years, on the condition that the State receive and support the delinquents of San Francisco, without charge.

#### THIRD PROPOSITION.

The third proposition was the sale of the Industrial School buildings and grounds, to the State, for the sum of fifty thousand dollars.

The above propositions, your committee deem entirely reasonable. The second, we think extremely liberal. We regret that these propositions could not have been made to the State at an earlier day; in which case, your committee would have warmly advocated the acceptance of one or the other. Had these propositions been made before the commencement

of work upon the school at Marysville, your committee believe arrangements could have been made on the part of the State, which would have been extremely advantageous.

But now, former objections to the continuance of the State Reform School in its present location and the various arguments for its removal to some other locality, have, in the opinion of your committee, ceased to exist. We are of the opinion that neither of the above propositions, nor any other known to them, should be entertained by the State. We believe that an attempt, even, to remove the State Reform School from its present location in Marysville would be attended with the most unfavorable results to the institution itself, which should now receive the most ample support and cheerful encouragement of this Legislature. At the present time, as before stated, the affairs of the State Reform School to be in good condition and under faithful and efficient management; that all is being done and well done, that can be reasonably expected. Already we may regard thirty thousand dollars, (the full amount of the last year's appropriation) as expended upon the present site, and the work upon the buildings is rapidly going forward. We do not hesitate to say that up to this time the State has received an equivalent for her money expended; and that should the work upon the Reform School be carried to completion, in the manner it has thus far progressed, the State will then have by far better and cheaper buildings for the amount expended than any other of which she is in possession. Your committee, therefore, in view of all the circumstances to be considered, unanimously recommend that an appropriation be made sufficient to secure, without unnecessary delay, the organization of the State Reform School upon the site already selected.

#### APPROPRIATION.

The appropriation now necessary to sufficiently complete the buildings and improvements of the Reform School, and suitably furnish the same, your committee find to be as follows:

To complete the buildings now under contract.....	\$15,000 00
For Wall around same.....	6,500 00
For Fencing for Farm.....	2,500 00
For Teams, Wagon, and Harness, etc. etc.....	1,500 00
For small Stable and Out-Buildings.....	1,000 00
For furnishing House and School with suitable Fixtures and Furniture .....	2,500 00
For the purchase of small piece of Ground lying between the R. S. Lot and Public Road, which your Committee would recommend.....	500 00
For total of Appropriation required.....	\$29,500 00

Your committee feel it unnecessary to urge the claims of the Institution for which they ask this required appropriation. We believe that every consideration, both the moral and economical, demand and deserve our ready and cheerful support of the institution in question. Most of the older States of the Union have found, in these Reformatory Schools for juvenile offenders, not only an immense saving in their annual appropriations for the support of penitentiaries, prisons, and alms-houses, but what is vastly more important, a saving of seventy-five to ninety per cent. of

their young delinquents from absolute and hopeless degradation. These facts should strongly impress themselves upon our attention, and secure our prompt and cheerful action in these premises.

For securing this desired legislation, your committee would recommend the passage of the accompanying bill.

SAMUEL A. MERRITT,  
Chairman.

W. H. PARKS,  
O. HARVEY,  
Senate Committee.

LLOYD MAGRUDER,  
ROBERT HENDERSON,  
Of House Committee.

Report received, and bill reported therewith read first and second times and placed on file, and usual number of copies of report and bill ordered printed.

#### SPECIAL ORDER.

The special order being the Message of the Governor, vetoing Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State, in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight.

The question being, Shall the bill pass notwithstanding the objections of the Governor? the ayes and noes were called with the following result: Ayes, 12—noes, 13:

AYES—Messrs. Burbank, Denver, Eagan, Edgerton, Harvey, Leet, Parks, Phelps, Rhodes, Shafter, Thornton, and Warmcastle—12.

NOES—Messrs. Chase, Crittenden, De Long, Dickinson, Gallagher, Haynes, Hill, Irwin, Merritt, Pico, Ryan, Vance, and Watt—13.

So the veto was sustained, and the Senate refused to pass the bill notwithstanding the objections of the Governor.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 10th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 128, An Act concerning the City of San José, and to ratify and confirm a certain Ordinance of the Common Council of said City;

Also, Senate Bill, No. 61, An Act concerning Officers;

Also, Senate Bill, No. 125, An Act to convey certain Real Estate;

Also, Senate Bill, No. 104, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento;

Also, Senate Bill, No. 68, An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 9th, 1861. }

*To the Honorable the Senate of California :*

I would respectfully call your attention to the condition of the war indebtedness of the State. On the seventh day of March, last year, in my special message accompanying the report of the Commissioners of the California War Debt, the following language was used; "The Commissioners express a desire to be relieved from further connection with this matter, and yielding to that desire, I would respectfully recommend that an act should at once be passed requiring the Treasurer of State to receive from the Commissioners all books and papers, of whatever description, belonging to the Commission. A committee from both Houses should be appointed, who, together with the Treasurer, should examine into and report the present condition of the aforesaid indebtedness, and after having so reported should be required to cancel or destroy the redeemed coupons."

There was no action then taken in regard to this matter; the books, and papers, and redeemed coupons, together with the proceedings of the Commissioners, have remained in private hands. I trust the importance of this subject will elicit prompt action, and that steps will be taken to have these documents transferred to the custody of some State officer, and that the redeemed coupons will be canceled, so as to prevent, by any contingency, their being again put in circulation.

The balance due on the old war debt, two hundred and eighteen thousand dollars, as shown by the report of the Commissioners, resulted from the fact that the Legislature had neglected to take proper steps in having the nine hundred and ninety-five thousand dollars appropriated by Congress applied to the payment of our war bonds. This money was suffered to remain in the vaults of the National treasury from eighteen hundred and fifty-four to eighteen hundred and fifty-seven, while our bonds were drawing from twelve to seven per cent. interest. The amount appropriated by Congress at the time, was more than sufficient to meet our entire war debt. Through the apathy of the Legislature, or those in authority, this was suffered to accumulate until we have a balance on account of interest of more than one-fourth of the entire original debt.

I would, in this connection, call your attention to the act of last Congress, approved March second, eighteen hundred and sixty-one, making an appropriation of four hundred thousand dollars to pay expenses incurred in the suppression of Indian hostilities in this State, (a copy of which act of Congress I transmit herewith,) and trust before you adjourn you will take such steps as will secure the prompt settlement of these claims, or empower me to have it done during the recess of the Legislature.

It will be observed that provisions are made for making this payment in United States six per cent. bonds; it is therefore important to the State, and to the citizens holding a portion of the bonds representing this indebtedness, that we should at once take measures to procure an early adjustment of this matter. A considerable amount of this appropriation will revert to the State treasury, as it will be seen by reference to the act that the expenses of these specified expeditions were defrayed by direct cash disbursements.

I have already communicated with the Secretary of War, desiring information as to the steps necessary to be taken towards an early adjust-

ment of these accounts, and the transmission of the bonds to our State treasury. It will not, however, be possible to receive an answer before the middle of May next; in the meantime I respectfully call the attention of your honorable body to the subject, and trust it will receive such consideration as its importance demands.

JOHN G. DOWNEY,  
Governor.

On motion, the above message was referred to a special committee of four, with instructions to report on or before Friday next.

The Chair appointed as such committee, Messrs. Leet, Ryan, Gallagher, and Haynes.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
April 10th, 1861. }

MR. PRESIDENT:—The House, on the eighth instant, concurred in Senate amendments to the following bills:

Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty-three.

Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child.

Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character.

Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare, to issue certain Bonds, and to provide for the construction of a road herein named.

Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge in said County.

Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath.

Also, on the ninth instant, concurred in Senate amendments to Assembly Bill, No. 309, An Act to authorize the modification or alteration of the grades of certain Streets in the City of San Francisco;

Also, Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers and Pledges;

Also, on April ninth, concurred in Senate Concurrent Resolution, No. 28, Relative to granting leave of absence to Thomas A. Brown, County Judge of Contra Costa County, for four months;

Also, on April ninth, passed Senate Bill, No. 71, An Act for the Relief of John T. Carey, Treasurer of Klamath County.

Substitute for Senate Bill, No. 281, An Act to separate the Offices of County Recorder and County Auditor from the Office of County Clerk in the County of Calaveras.

Senate Bill, No. 148, An Act authorizing the Board of Supervisors of the City and County of San Francisco to procure Chambers for the Judges of certain Courts.

Senate Bill, No. 192, An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County.

Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State ;

Also, on April eighth, passed Senate Bill, No. 86, An Act to audit and allow the claim of John Herzo, Assignee ;

Also, on April first, passed Assembly Bill, No. 204, An Act to amend an Act entitled An Act concerning certified copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-seven.

Assembly Bill, No. 374, An Act to provide for the collection of Delinquent Taxes in the County of Amador ;

Also, on April fourth, Assembly Bill, No. 20, An Act to amend an Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento ;

Also, on April ninth, passed Assembly Bill, No. 323, An Act to amend section twelve of An Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine.

Assembly Bill, No. 251, An Act to confer further powers on the Board of Supervisors in the County of San Francisco.

Assembly Bill, No. 308, An Act to amend An Act to provide for the funding and payment of the Outstanding Unfunded Claims against the City of San Francisco, as they existed prior to the first day of July eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight.

Assembly Bill, No. 386, An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery ;

Also, on April eighth, passed Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba ;

Also, on April tenth, passed Assembly Bill, No. 411, An Act to define and establish the Boundary Line of the City of Sonoma ;

Also, passed Assembly Bill, No. 239, An Act to provide for the appointment of Commissioners in Equity.

Also, on the eighth instant, indefinitely postponed Senate Bill, No. 13, An Act to audit and allow the Claim of J. J. Lecount ;

Also, Senate Bill, No. 130, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis ;

Also, Senate Bill, No. 236, An Act to appropriate Money to pay the claim of William Bofer & Co. ;

Also, on the ninth instant, Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 239, above reported—was read first and second times, and placed on file.

Assembly Bill, No. 411, above reported—was read first and second times, rules suspended, and bill further considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, read a third time, and passed.



Assembly Bill, No. 374, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, read a third time, and passed.

Assembly Bill, No. 20, above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 323, above reported—was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill, No. 204, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 251, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 208, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 388, above reported—was read first and second times, and referred to the Sacramento Delegation.

#### GENERAL FILE.

Senate Bill, No. 99, An Act to audit and allow a claim of John F. McCauley against the State—was taken up, read a third time, and passed.

Senate Bill, No. 215, An Act in relation to Bills of Exchange, and other Negotiable Instruments—was read a third time and passed.

Senate Bill, No. 205, An Act amendatory of, and supplemental to, An Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—was read a third time, and passed.

Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

The bill was reported back.

Mr. Phelps moved to concur in the amendments made in Committee of the Whole, except the following:

Second amendment to section first.

Second amendment to section second.

Second amendment to section third.

First amendment to section fifteen.

Fifth amendment to section seventeen.

Agreed to.

The question then being on concurring in the above enumerated amendments, was put and lost.

On motion, the rules were suspended, the bill considered engrossed, and read a third time.

The question then being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Phelps, Burbank, and Merritt, and taken with the following result: Ayes, 13—noes, 11:

AYES—Messrs. Burbank, Chase, De la Guerra, Harvey, Haynes, Heacock, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Watson, and Vance—13.

NOES—Messrs. Crittenden, De Long, Denver, Eagan, Edgerton, Irwin, Leet, Logan, Merritt, Pico, and Watt—11.

So the bill passed.

On motion of Mr. De Long, leave of absence was granted to Mr. Watkins for two days.

Mr. Edgerton, by leave, introduced a bill for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Finance.

On motion, all bills on the unfinished business, were ordered to be taken up, and placed at the bottom of the file.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks—was considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 227, An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in the transmission thereof—was considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed.

Senate Bill, No. 165, An Act relating to Estrays—was taken up, and indefinitely postponed.

Assembly Bill, No. 198, An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty—was taken up, and indefinitely postponed.

Senate Bill, No. 196, An Act to amend an Act entitled An Act amendatory of an Act entitled An Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, the bill ordered to be engrossed, and read a third time.

Senate Bill, No. 284, An Act to audit and allow the claim of John Crowell, Abel Guy, and others—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, passed, title amended by striking out "John Crowell, Abel Guy, and others," and inserting "William S. Botts."

Senate Bill, No. 188, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one—was taken up, and indefinitely postponed.

Senate Bill, No. 233, An Act to provide for the publication of the General Laws of the State in force at the expiration of the Thirteenth Session of the Legislature—was taken up, and indefinitely postponed.

Senate Bill, No. 120, An Act in addition to an Act entitled An Act for the relief of Insolvent Debtors, and protection of Creditors, passed May fourth, eighteen hundred and fifty-two, and amendatory thereof—was taken up, and placed at the foot of the General File.

Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

#### SPECIAL ORDER.

The special order being the motion to reconsider the vote by which the Senate, on the sixth of April, refused to pass Senate Bill, No. 126, An Act more clearly to define the Boundaries of Sacramento County, and to amend the Act entitled An Act to amend An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

The ayes and noes were demanded, by Messrs. Clark, Warmcastle, and Watt, and taken with the following result: Ayes, 13—noes, 10:

AYES—Messrs. Burbank, Chase, Clark, De Long, Denver, Edgerton, Heacock, Irwin, Leet, Parks, Phelps, Shafter, and Vance—13.

NOES—Messrs. Eagan, Franklin, Haynes, Merritt, Rhodes, Thornton, Warmcastle, Watson, Watt, and Williamson—10.

So the vote was reconsidered.

Mr. Warmcastle then moved to postpone the bill to Friday next, at one o'clock, P. M.

Lost.

Mr. Logan moved to rerefer the bill to the Committee on Swamp and Overflowed Lands, with special instructions.

Lost.

The question then recurring upon the passage of the bill, the ayes and noes were demanded, by Messrs. Warmcastle, Clark, and Heacock, and taken with the following result: Ayes, 15—noes, 10:

AYES—Messrs. Burbank, Chase, Clark, De Long, Denver, Edgerton, Gallagher, Heacock, Hill, Irwin, Leet, Parks, Phelps, Shafter, and Vance—15.

NOES—Messrs. Crittenden, Franklin, Merritt, Rhodes, Thornton, Warmcastle, Watson, Watt, and Williamson—10.

So the bill passed.

#### GENERAL FILE, RESUMED.

Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River, at the City of St. Paul, in the County of Monterey—was considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, read a third time, and passed.

Mr. De Long, by leave, introduced a bill for An Act to amend an Act entitled An Act to amend an Act entitled An Act declaring certain Rivers and Creeks navigable, passed February eighteenth, eighteen hundred and fifty-one, and to amend an Act amendatory thereto, passed

May seventeenth, eighteen hundred and fifty-three, passed May fifteenth, eighteen hundred and fifty-four, approved April tenth, eighteen hundred and sixty.

Read first and second times.

Mr. De Long moved to suspend the rules, and consider the bill on its third reading now.

Lost.

The bill was then placed on file.

Mr. Thomas made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills respectfully report, that they have examined Senate Bill, No. 198, entitled An Act in relation to the Compensation of the County Auditor of Butte County—and find the same correctly enrolled ;

Also, Senate Bill, No. 118, entitled An Act to reimburse to Mary B. Russel certain Moneys expended by the Sisters of Mercy for the burial of the Dead—find the same correctly enrolled, and at half past twelve o'clock, P. M. on the tenth day of April, eighteen hundred and sixty-one, delivered them to his Excellency the Governor, for his approval.

PHILIP W. THOMAS,

Chairman.

Report accepted.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 275, An Act for the preservation and protection of Trout—was considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed.

Senate Bill, No. 121, An Act to regulate Pawnbrokers in this State, and to define their liabilities—was taken up, and indefinitely postponed.

Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—was taken up and considered.

On motion of Mr. Phelps, the bill, together with all other bills now before the Senate relative to Pilots, were made the special order of the day for Tuesday next, at one o'clock, P. M.

On motion of Mr. Edgerton, Senate Bill, No. 276—was taken up and placed at the top of the file.

Mr. Edgerton moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Leet, Shafter, and Rhodes, and taken with the following result: Ayes, 10—noes, 16:

AYES—Messrs. Crittenden, De Long, Eagan, Edgerton, Gallagher, Thornton, Vance, Warmcastle, Watt, and Williamson—10.

NOES—Messrs. Burbank, Clark, Denver, Dickinson, Harvey, Heacock, Hill, Irwin, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Shafter, and Thomas—16.

So the Senate refused to adjourn.

Senate Bill, No. 278, An Act concerning the Office of Treasurer, County Clerk, County Recorder, and Clerk of the Board of Supervisors, of Sonoma County—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 183, An Act restricting the herding of Sheep in certain Counties of this State—was taken up, and on motion of Mr. Edgerton, made the special order of the day for Wednesday, April sixteenth, eighteen hundred and sixty-one, at one o'clock, P. M.

Senate Bill, No. 276—above ordered to be placed at the head of the file, was taken up, and considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. De Long gave notice that on to-morrow he would move a reconsideration of the vote by which the Senate made the Pilot Bills, so called, the special order of the day for Wednesday, April sixteenth, eighteen hundred and sixty-one, at one o'clock, P. M.

On motion of Mr. De Long, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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IN SENATE.

SENATE CHAMBER,  
Thursday, April 11th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Mr. Clark, from the Finance Committee, made a verbal report recommending the passage of Assembly Bill, No. 128, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. Shafter, from the San Francisco Delegation, made a verbal report recommending the passage of Assembly Bill, No. 308, An Act to amend an Act entitled An Act to provide for the funding and payment of the Outstanding Unfunded Claims against the City of San Francisco as they existed prior to the first day of July, A. D. eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight.

Report received, and bill placed on file.

Mr. Shafter, from the San Francisco Delegation, also made a verbal report on Assembly Bill, No. 251, An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco—reporting the same back without recommendation.

Report received, and bill placed on file.

Mr. Dickinson made the following report :

Mr. PRESIDENT :—The Committee on Public Expenditures have examined Senate Bill, No. 248, An Act to repeal an Act entitled An Act fixing the Salary of the Register of the State Land Office—and report the same to the Senate recommending its passage without amendment.

DICKINSON,  
For the Committee.

Report received, and with bill, placed on file.

Mr. Watt made the following report :

Mr. PRESIDENT :—The Committee upon Roads and Highways, to whom was referred Senate Bill, No. 273, An Act to amend An Act concerning Ferries and Toll-Bridges, passed April twenty-eighth, eighteen hundred and fifty-five—have had the same under consideration and report it back with an amendment, and recommend its passage as amended.

WILLIAM WATT,  
Chairman.

Report received, and with bill, placed on file.

Mr. Dickinson made the following report :

Mr. PRESIDENT :—The Committee on Roads and Highways have had under consideration Assembly Bill, No. 201. An Act concerning Roads and Highways in certain Counties in this State—and report the bill to the Senate with a recommendation that it pass without amendment.

DICKINSON,  
For Committee.

Report received, and with bill, placed on file.

Mr. Phelps made the following report :

Mr. PRESIDENT :—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 302, An Act in relation to Estray Animals—have had the same under consideration and report the bill back and recommend its passage.

PHELPS,  
Chairman.

Report received, and with bill, placed on file.

Mr. Phelps also made the following report :

Mr. PRESIDENT :—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed, May first, eighteen hundred and fifty-one—have had the same under consideration and report the bill back with an amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

Section one, line five, strike out the word "conclusion."

PHELPS,  
Chairman.

Report received, and with bill, placed on file.

Mr. Clark made the following report :

Mr. PRESIDENT :—The Sacramento Delegation, to whom was referred Assembly Bills, Nos. 144 and 386—have had the same under consideration and report the same back and recommend their passage.

CLARK,  
HEACOCK.

Report received, and with bill, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate Bill, No. 298, An Act to authorize G. Bewel to remove the remains of Deceased Persons in the Town of Michigan Bluff, Placer County;

Also, Senate Bill, No. 293, An Act fixing the time of holding the Court of Sessions, and County Court, in the County of Mono;

Also, Senate Bill, No. 284, An Act to audit and allow the claim of John Crowell, Abel Guy, and others;

Also, Senate Bill, No. 23, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto;

Also, Senate Bill, No. 258, An Act fixing the salaries of State Officers and Clerks— and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 11th, 1861. }

*To the Honorable the Senate of California :*

I return to your honorable body Senate Bill, No. 132, an act entitled An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—without my approval and with the following objections :

The construction of more than one section of this road is contingent upon the consent of the United States; and upon the objections of the representatives of the United States the grantees have an indefinite time to complete the section of this road. In the meantime they are authorized to put a toll-gate not east of Leavenworth Street, and collect such rate of toll on this first section as the owners of the Mission Street Road are now authorized to collect, notwithstanding the fact that the Mission Street Road is completed its entire length. By reference to the map of the city of San Francisco it will be seen that a toll-gate is attempted to be placed almost in the very heart of the city, regardless of any expression of the will of property owners and residents along the route, or of first obtaining the consent of the Board of Supervisors of the city and County of San Francisco. I regard every toll-gate on roads, or streets, leading to, or from, San Francisco as objectionable, not only to the residents of the city of San Francisco, but also to those having business to transact in our commercial metropolis.

The Board of Supervisors should be empowered to get possession of these roads and maintain them as public highways. In their present condition they can only be looked upon as a public nuisance. For these reasons I respectfully return this bill to your honorable body for your reconsideration.

JOHN G. DOWNEY,  
Governor.

The message being read and the question being, Shall the bill pass notwithstanding the objections of the Governor? the ayes and noes were taken with the following result: Ayes, 25—noes, 3:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Denver, Dickinson, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Warmcastle, Watt, and Williamson—25.

**NOES**—Messrs. Gallagher, Merritt, and Vance—3.

So the bill having received the constitutional two-thirds vote, was passed notwithstanding the objections of the Governor.

Mr. De Long, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday made the Pilot Bill, so called, the special order for Tuesday next at one o'clock, P. M.

Carried.

Mr. Dickinson in the Chair.

On motion of Mr. De Long, the substitute offered by the Committee on Commerce and Navigation to Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—was taken up, considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, when Mr. Phelps moved to indefinitely postpone the bill together with all other bills now before the Senate on the same subject.

A division of the question being demanded, the question was first on indefinitely postponing the substitute to Senate Bill, No. 36.

Upon which, the ayes and noes were demanded by Messrs. Ryan, Merritt, and Phelps, and taken with the following result: Ayes, 9—noes, 13:

**AYES**—Messrs. Burbank, Dickinson, Leet, Merritt, Phelps, Rhodes, Shafter, Thomas, and Warmcastle—9.

**NOES**—Messrs. Chase, De Long, Edgerton, Gallagher, Harvey, Haynes, Irwin, Logan, Ryan, Sharp, Thornton, Vance, and Williamson—13.

So the Senate refused to indefinitely postpone.

Whereupon, the substitute was again considered in Committee of the Whole and further amended.

#### IN SENATE.

On motion of Mr. Phelps, the substitute together with all other bills relating to Pilots were placed at the head of the file.

Mr. Chase presented the petition of Bryen Killilea and Mary Ann Killilea praying for relief.

Referred to Committee on Claims.

#### INTRODUCTION OF BILLS.

Mr. Thornton, by leave, introduced a bill for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

Mr. Leet, pursuant to notice, introduced a bill for An Act to amend An Act to create the office of State Printer and define the duties and compensation thereof, and providing for the time of election of State Printer,



approved May first, eighteen hundred and fifty-four, and the several Acts amendatory and supplementary thereto.

Read first and second times, and placed on file next after the Pilot bills.

Mr. Logan, by leave, introduced a bill for An Act to authorize a Board of Supervisors in and for the County of Tehama and to district said County.

Read first and second times, and referred to the Senator from Tehama.

Mr. Logan, also, by leave, introduced a bill for An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Tehama.

Read first and second times, and referred to the Senator from Tehama.

Mr. Sharp, by leave, introduced a bill for An Act supplementary to An Act defining the rights of Husband and Wife, approved April seventeenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, by leave, introduced a bill for An Act fixing the Salary of the District Judge of the Thirteenth Judicial District.

Read first and second times, and referred to the Judiciary Committee.

Mr. Harvey, by leave, introduced a bill for An Act to repeal an Act entitled An Act to amend an Act entitled An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of incorporation.

Read first and second times, and referred to the El Dorado Delegation.

Mr. De la Guerra moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Leet, Heacock, and Logan, and taken with the following result: Ayes, 7—noes, 18:

**AYES**—Messrs. De la Guerra, Edgerton, Gallagher, Merritt, Pico, Warmcastle, and Williamson—7.

**NOES**—Messrs. Burbank, Chase, De Long, Denver, Dickinson, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, and Thomas—18.

So the Senate refused to adjourn.

Mr. Heacock offered the following resolution:

**WHEREAS**, on yesterday the Assembly passed a resolution inviting Captain Walker M. Gibson to deliver a discourse this evening in the Assembly Chamber in relation to the resources of the Islands of the East India or Malay Archipelago, and the importance of establishing more direct intercourse between them and the Pacific Coast; therefore,

*Resolved*, That the Senate concur in the aforesaid invitation of the Assembly to Captain Gibson, and that his address this evening in the Assembly Chamber be regarded as by joint invitation of the Legislature of the State of California.

Adopted.

Mr. Sharp, by leave, introduced a bill for An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of the deceased at private sale.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp, also, by leave, introduced a bill for An Act to authorize the

The message being read and the question being, Shall the bill pass notwithstanding the objections of the Governor? the ayes and noes were taken with the following result: Ayes, 25—noes, 3:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Denver, Dickinson, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Warmcastle, Watt, and Williamson—25.

**NOES**—Messrs. Gallagher, Merritt, and Vance—3.

So the bill having received the constitutional two-thirds vote, was passed notwithstanding the objections of the Governor.

Mr. De Long, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday made the Pilot Bill, so called, the special order for Tuesday next at one o'clock, P. M.

Carried.

Mr. Dickinson in the Chair.

On motion of Mr. De Long, the substitute offered by the Committee on Commerce and Navigation to Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—was taken up, considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, when Mr. Phelps moved to indefinitely postpone the bill together with all other bills now before the Senate on the same subject.

A division of the question being demanded, the question was first on indefinitely postponing the substitute to Senate Bill, No. 36.

Upon which, the ayes and noes were demanded by Messrs. Ryan, Merritt, and Phelps, and taken with the following result: Ayes, 9—noes, 13:

**AYES**—Messrs. Burbank, Dickinson, Leet, Merritt, Phelps, Rhodes, Shafter, Thomas, and Warmcastle—9.

**NOES**—Messrs. Chase, De Long, Edgerton, Gallagher, Harvey, Haynes, Irwin, Logan, Ryan, Sharp, Thornton, Vance, and Williamson—13.

So the Senate refused to indefinitely postpone.

Whereupon, the substitute was again considered in Committee of the Whole and further amended.

#### IN SENATE.

On motion of Mr. Phelps, the substitute together with all other bills relating to Pilots were placed at the head of the file.

Mr. Chase presented the petition of Bryen Killilea and Mary Ann Killilea praying for relief.

Referred to Committee on Claims.

#### INTRODUCTION OF BILLS.

Mr. Thornton, by leave, introduced a bill for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

Mr. Leet, pursuant to notice, introduced a bill for An Act to amend An Act to create the office of State Printer and define the duties and compensation thereof, and providing for the time of election of State Printer,

approved May first, eighteen hundred and fifty-four, and the several Acts amendatory and supplementary thereto.

Read first and second times, and placed on file next after the Pilot bills.

Mr. Logan, by leave, introduced a bill for An Act to authorize a Board of Supervisors in and for the County of Tehama and to district said County.

Read first and second times, and referred to the Senator from Tehama.

Mr. Logan, also, by leave, introduced a bill for An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Tehama.

Read first and second times, and referred to the Senator from Tehama.

Mr. Sharp, by leave, introduced a bill for An Act supplementary to An Act defining the rights of Husband and Wife, approved April seventeenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, by leave, introduced a bill for An Act fixing the Salary of the District Judge of the Thirteenth Judicial District.

Read first and second times, and referred to the Judiciary Committee.

Mr. Harvey, by leave, introduced a bill for An Act to repeal an Act entitled An Act to amend an Act entitled An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of incorporation.

Read first and second times, and referred to the El Dorado Delegation.

Mr. De la Guerra moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Leet, Heacock, and Logan, and taken with the following result: Ayes, 7—noes, 18:

**AYES**—Messrs. De la Guerra, Edgerton, Gallagher, Merritt, Pico, Warmcastle, and Williamson—7.

**NOES**—Messrs. Burbank, Chase, De Long, Denver, Dickinson, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, and Thomas—18.

So the Senate refused to adjourn.

Mr. Heacock offered the following resolution:

**WHEREAS**, on yesterday the Assembly passed a resolution inviting Captain Walker M. Gibson to deliver a discourse this evening in the Assembly Chamber in relation to the resources of the Islands of the East India or Malay Archipelago, and the importance of establishing more direct intercourse between them and the Pacific Coast; therefore,

*Resolved*, That the Senate concur in the aforesaid invitation of the Assembly to Captain Gibson, and that his address this evening in the Assembly Chamber be regarded as by joint invitation of the Legislature of the State of California.

Adopted.

Mr. Sharp, by leave, introduced a bill for An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of the deceased at private sale.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp, also, by leave, introduced a bill for An Act to authorize the

Board of Supervisors of the City and County of San Francisco to modify the grade of certain Streets in said City and County.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Ryan, by leave, introduced a bill for An Act to prevent non-residents of this State from selling goods without a License.

Read first and second times, and referred to the Finance Committee.

On motion of Mr. Vance, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, April 12th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

### PETITIONS.

Mr. Sharp presented the petition Of Members of the Bar and Tax Payers of the City and County of San Francisco, remonstrating against the passage of An Act amendatory of the Salary Bill of said City and County.

Received, and placed on file, with the bill alluded to.

Mr. Sharp also presented the petition Of sundry Citizens of the City of San Francisco, praying that the right to build a Wharf in said City be granted to Charles B. Grant; also, offered a bill in relation thereto, entitled An Act providing for the building of a Wharf at the foot of Main Street.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Sharp, by leave, introduced a bill for An Act to authorize the taking of Depositions in Foreign Countries.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Phelps, Senate Bill, No. 247, An Act authorizing C. S. Higgins and his Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco—was taken up, and considered in Committee of the Whole.

### IN SENATE.

Reported back without amendments.

Mr. Burbank moved to amend by adding the following:

“Sec. 8. This act shall be in full force from and after its passage.”

Carried.

Rules suspended, bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

On motion of Mr. Phelps, Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas-Pipes in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amendments offered by the San Francisco Delegation, adopted.

#### IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. De Long, by leave, introduced a bill for An Act to amend An Act to Incorporate the City of Marysville.

Read first and second times, and placed on file.

Mr. Vance, by leave, introduced a bill for An Act amendatory of, and supplementary to, An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

Read first and second times, and referred to the Judiciary Committee.

#### REPORTS.

Mr. Gallagher made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find due the Secretary of the Senate, as follows:

Purpose.	Folio.	Per Folio.	Amount.
Tabular statement and statistics.....	1,486	15 cts.	\$222 90
For Printer.....	2,760	10 cts.	276 00
Totals.....	4,246	.....	\$498 90

GALLAGHER,

Report adopted.

For Committee.

Mr. Merritt made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills, have examined the following Senate bills and found them correctly engrossed:

Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County, by the qualified voters of said County.

Senate Bill, No. 275, An Act for the preservation and protection of Trout.

Senate Bill, No. 291, An Act to fix the Terms of the District Court in the County of Mono.

Senate Bill, No. 251, An Act to authorize Mariah O'Connor, Administratrix of the Estate of Michael T. O'Connor, deceased, to sell and convey Real Estate.

MERRITT,

Report accepted.

Chairman.

Mr. Sharp made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration, report as follows:

Senate Bill, No. 302, An Act to amend an Act entitled An Act to Regulate proceedings in Civil Cases in the Courts of Justice of this State, in relation to new trials in actions of ejectments—and recommend its indefinite postponement;

Also, Senate Bill, No. 313, An Act fixing the Salary of the District Judge of the Thirteenth Judicial District—and recommend its passage;

Also, Senate Bill, No. 313, An Act supplemental to An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty—report the same back with the accompanying amendment:

Add to section one, the following words: "*Provided*, that no sale shall be valid, or conveyance executed, under the provisions of this act, until such sale shall have been reported to, and approved by, the Probate Court of the county in which such sale is made. The said report of sale shall be made in writing, under oath, by the father making such sale, setting forth fully the description of the property sold, the names of the person, or persons, to whom sold, and the terms of sale, and praying a confirmation of such sale, and recommend its passage as amended;

Also, Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale—report the same back, with the accompanying amendment:

Add section four.

"SEC. 4. And the Administratrix and Administrator, shall from time to time make a report of all sales made by them of said Estate, to the Probate Judge of the County of San Francisco; and it shall not be lawful for said Administratrix or Administrator to execute any conveyances of said Estate, or of any part of said Estate, without the approval of the Probate Court of the County of San Francisco"—and recommend its passage as amended;

Also, Assembly Bill, No. 408, An Act to authorize the Administrator of the Estate of Joseph K. Irwin, deceased, to sell the Real Estate of said deceased, at public, or private, sale—and recommend its passage.

Also, Senate Bill, No. 283, An Act amendatory of an Act entitled An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty—and recommend its indefinite postponement;

Also, Senate Bill, No. 270, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—and recommend its passage.

Also, Assembly Bill, No. 204, An Act to amend an Act entitled An Act concerning certified copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-seven—and recommend its indefinite postponement;

Also, Senate Bill, No. 299, An Act relating to Coso Silver Mining Company—and recommend its indefinite postponement;

Also, Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the Counties of Sonoma, Tulare, Marin, Mendocino, Napa, Alameda, and Solano—and recommend its indefinite postponement;

Also, Senate Bill, No. 314, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof—and report the same back, with the accompanying amendments:

Strike out "section two."

Strike out "section three," and insert "section two."

Section three, last line, strike out the words "beneficially interested," and insert "sustaining damage by reason of such survey."

Strike out "section four," and insert "section three."

Strike out "section five," and insert "section four."

Strike out "section six,"—

And recommend its passage as amended;

Also, Senate Bill, No. 281, An Act concerning Salaries of certain Officers in the County of Napa—report the same back, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"Section 1. The County Judge of the county of Napa shall receive for his services the sum of two thousand dollars per annum.

Sec. 2. From and after the next general election the District Attorney of the County of Napa shall receive for his services the sum of twelve hundred dollars per annum.

Sec. 3. Section first of this act shall take effect from and after the expiration of the term of office of the present County Judge of said county.

Sec. 4. Each of the above mentioned salaries shall be audited and paid in the same manner as the salaries of said officers are now audited and paid.

Sec. 5. All laws and parts of laws, so far as the same conflicts with the provisions of this act, are hereby repealed."

Your committee recommend its passage as amended."

SOL. A. SHARP,  
Chairman.

Report received, and with bills, placed on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,  
April 12th, 1861. }

Mr. PRESIDENT:—The House, on the fifth instant, passed Assembly Bill, No. 273, An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties, and to make certain Conveyances;

Also, on the eighth instant, passed Assembly Bill, No. 388, An Act authorizing the construction of a Wagon Road over the Coast Range of Mountains in San Luis Obispo County;

Also, on the eleventh instant, passed Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada;

Also, concurred in Senate amendments to Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, except the last amendment, striking out the proviso, from which the Senate is respectfully solicited to recede;

Also, on the tenth instant, passed Senate Bill, No. 181, An Act in relation to the Entry of Lands in certain cases—with amendments, and an amended title, and ask the concurrence of the Senate therein;

Also, on the ninth instant, passed Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to this State by Act of Congress;

The majority of the committee believing it to be unconstitutional recommend the indefinite postponement of the bill;

Also, Senate Bill, No. 75—and recommend that it be indefinitely postponed;

Also, Senate Bill, No. 242, An Act to appropriate Money to improve certain Wagon Roads running through the Counties of Butte and Plumas—and recommend its indefinite postponement. Recognizing the object proposed to be accomplished by the appropriation asked for as a most praiseworthy one, yet your committee, in the present condition of the treasury of the State, deem it inexpedient to pass the bill at the present time.

CLARK,

Chairman.

Report received, and with bills, placed on file.

Mr. Pico made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Rail Road Company and to extend the time of performing certain Acts—have had the same under consideration and beg leave to report the same back and recommend its passage without amendment.

A. PICO.

Report received, and with bill, placed on file.

Mr. Pico also made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River at, or near, Fort Yuma to certain parties therein named—have had the same under consideration and report it back without amendments recommending its passage.

PICO.

Report received, and with bill, placed on file.

#### COMMUNICATION FROM BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,  
Sacramento, April 11th, 1861. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body the following claims which have been approved by the Board together with papers and decisions in each case:

Purpose.	Amt. Allowed.
Claim No. 220, of Phil Caduc.....	\$93 60
Claim No. 228, of T. L. Garwood.....	87 50
Total.....	\$181 10

JOHN G. DOWNEY,

President Board of Examiners.

Message, with accompanying documents, referred to the Committee on Claims.



Mr. Leet made the following report :

MR. PRESIDENT:—Your Special Committee, to whom was referred the message of the Governor of the ninth instant, and accompanying documents, Relative to the Indian War Debt of this State—having had the same under consideration would report that owing to the importance to the State and her citizens that an early settlement of the claims provided for by act of Congress, passed March second, eighteen hundred and sixty-one, should be had, we have prepared a bill for an act to provide for such settlement which is submitted herewith and its passage recommended.

Your committee would also say that they will fully examine and consider the other matters relating to our war indebtedness referred to by his Excellency and report thereon at an early day.

LEET,  
Chairman.

The bill above reported was read first and second times, and made the special order for Tuesday next at half past eleven o'clock, A. M.

Mr. Harvey made the following report :

MR. PRESIDENT:—The El Dorado Delegation, to whom was referred Senate Bill, No. 310, An Act to repeal an Act entitled An Act to amend an Act entitled An Act to incorporate the City of Placerville, approved March first, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of incorporation, have had the same under consideration and report the same back and recommend its passage without amendment.

HARVEY,  
For the Delegation.

Report received, and with bill, placed on file.

Mr. Watkins made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate Bill, No. 271, Claim of Truman Wilcox to refund forfeiture of recognition of John Myers—have had the same under consideration and report the bill back with a substitute and recommend the passage of the substitute.

WATKINS,  
Chairman.

Report received, and bill and substitute considered in Committee of the Whole, and substitute adopted.

#### IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Vance made the following report :

MR. PRESIDENT:—The Special Committee, to whom was referred Assembly Bill, No. 225, An Act concerning Roads and Highways in the County of Butte—have had the same under consideration, report the same back to the Senate with amendments and recommend its passage as amended.

VANCE,  
Chairman.

Report received, rules suspended, and bill considered in Committee of the Whole and amended as reported by the committee.

## IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Edgerton made a verbal report, recommending the passage of Assembly Bill, No. 229, An Act for the relief of James McCauley, County Treasurer of Yolo County.

Report received, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, read a third time and passed.

Mr. Logan made a verbal report, recommending the passage of Senate Bill, No. 312, An Act to organize a Board of Supervisors in and for the County of Tehama, and to district said County.

Report received, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, rules further suspended, bill considered engrossed, read a third time and passed.

## GENERAL FILE.

Senate substitute to Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—was taken up and considered.

Mr. Phelps moved to make the bill and substitute, together with all other pilot bills now before the Senate, the special order for Tuesday next at half past eleven o'clock, A. M.

Upon which, the ayes and noes were demanded by Merritt, Chase, and Ryan, and taken with the following result: Ayes, 13—noes, 11:

AYES—Messrs. Burbank, Denver, Dickinson, Franklin, Harvey, Heacock, Leet, Logan, Merritt, Phelps, Rhodes, Shafter, and Thomas—13.

NOES—Messrs. Chase, Crittenden, De Long, Edgerton, Gallagher, Haynes, Ryan, Sharp, Thornton, Vance, and Watt—11.

So the motion prevailed and all the Pilot bills before the Senate were made the special order for Tuesday next at half past eleven o'clock, A. M.

Senate Bill, No. 313, An Act to amend an Act entitled An Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time of election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto—was considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 23, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-five, and other Acts amendatory thereof—was read third time, and passed.

Senate Bill, No. 275, An Act for the preservation and protection of Trout—was taken up, read a third time, and passed.

Senate Bill, No. 296, An Act to appropriate Money to pay the claim of Greenhood & Newbauer—was considered in Committee of the Whole.

## IN SENATE.

Bill reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 295, An Act to appropriate Money to pay the Claim of Richard M. Jessup—was taken up, and indefinitely postponed.

Claim No. 43, of Jordon & McPike—was taken up, and indefinitely postponed.

Senate Bill, No. 297, An Act to audit and pay the claim of G. D. Bliss & Co—on motion of Mr. Sharp, was placed at the top of the file for to-morrow morning.

Assembly Bill, No. 164, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes—was taken up, considered in Committee of the Whole, and substitute reported by the Petaluma Delegation adopted.

## IN SENATE.

Reported back, substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

On motion, Senate Bill, No. 234, An Act to pay certain Claims, and to make an appropriation for the same—was taken from the file, and referred to the Judiciary Committee.

Senate Bill, No. 216, An Act to authorize Charles H. Brindle and Andres Pico, to build and construct a Turnpike Road from the ex-Mission of San Fernando to the Arroyo de Santa Clara, in Los Angeles County—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Title amended, by inserting the name of "James R. Vineyard" after the name of "Andres Pico."

On motion of Mr. Phelps, Assembly Bill, No. 74, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine—was placed on top of the file for to-morrow.

Mr. De la Guerra offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Hon. Charles Fernald, County Judge of the County of Santa Barbara, have leave to be, and remain absent from the State of California, for a period of three successive months, during the course of the year eighteen hundred and sixty-one.

Adopted.

Mr. Watt offered the following resolution :

*Resolved*, That the Board of Examiners be requested to furnish the Senate Committee on Claims with any papers or accounts in their possession relative to the Claim of the late Terence Foley, for supplies furnished the State Prison.

Adopted.

On motion of Mr. Harvey, the rules were suspended, and Senate Bill, No. 310, An Act to repeal an Act entitled An Act to amend an Act entitled An Act to Incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of Incorporation—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back, without amendment, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Parks, Senate Bill, No. 131, An Act concerning District Court Reporters, for the Twelfth, Sixth, and Fourth, Judicial Districts—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion, the Secretary was directed to amend the title so as to correspond with the amendments made to the bill.

Assembly Bill, No. 376, An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County—was taken from the file, and considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County, salaried Offices, approved February twenty-second, eighteen hundred and sixty-one—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, read a third time, and passed.

Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned—was taken up.

Mr. Merritt moved to dispense with the reading of the bill in Committee of the Whole, and that it be read by title only, and placed upon its passage.

Mr. Ryan called for the reading of the bill by sections, and raised a point of order that when any Senator demanded the reading of a bill it was not in the province of the Senate to order it read by title only.

The Chair ruled the point of order not well taken.

Mr. Ryan appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? was put, and the Chair sustained.

The question recurring on the motion of Mr. Merritt to read the bill a third time by title.

Carried.

Bill read a third time by title, and passed.

Mr. Ryan protested against the passage of bills without their first being read by sections so that Senators might understand their provisions and offer amendments, if thought necessary.

Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County—was read a third time by title, and passed

Assembly Bill, No. 264, An Act to amend an Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight—was read a third time by title, and passed.

Mr. Sharp made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 247, An Act authorizing C. S. Higgins and his Associates and Assigns to lay down Gas-Pipes in the City and County of San Francisco—and have found the same correctly engrossed.

SHARP,

For the Committee.

April 12th, 1851.

Report accepted.

Assembly Bill, No. 320, An Act to amend An Act concerning Roads and Highways in the County of Placer—was taken up, and the substitute reported by the Placer Delegation adopted, read third time, and passed.

Senate Bill, No. 300, An Act to change the name of Gustav Madsen—was considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment, rules suspended, bill considered engrossed, read third time, and passed.

Assembly Bill, No. 106, An Act concerning the County Judge of Klamath County—was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, bill read a third time, and passed.

Title amended by striking out and inserting as follows: "An Act to repeal an Act entitled An Act concerning County Judges, passed April fourth, eighteen hundred and fifty-four."

Assembly Bill, No. 239, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax and to provide for building a Bridge in said County—was considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read third time, and passed.

Senate Bill, No. 235, An Act to appropriate Money to pay the claim of Wells, Fargo & Co.—was considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Morritt, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, April 13th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Clark presented the claim of Z. L. Garwood, together with the following resolution, relative thereto :

*Resolved*, That the Controller of State be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of Z. L. Garwood, for the sum of fifty dollars, payable out of the Contingent Fund of the Senate, that amount being due said Garwood for rent of Committee Rooms for the Committee on Finance and the Committee on Claims, for the month of April, eighteen hundred and sixty-one.

The resolution was read and adopted.

## REPORTS.

Mr. Hill made the following report :

MR. PRESIDENT :—Your Joint Committee, appointed to visit, inspect, and report upon, the condition, management, and matters, relating to the State Prison, report that they have performed that duty, and herewith respectfully submit the result of their labors for your consideration.

The State Prison of California, from its first establishment, has been an incubus upon the State. Its history, (with few exceptions,) has been a catalogue of unparalleled extravagance; but if in this vast outlay the State is gainer only in experience, some salutary benefit may be placed to its credit. While it is apparent that every department of the State government was pervaded with a similar recklessness of expenditure, and that efforts have been made at reform in this particular, your committee take pleasure in offering such recommendations as they believe will constitute the State Prison a self-sustaining institution, if not one of actual revenue to the State. In order, however, to accomplish so desirable an end it will be necessary that an appropriation should be made, of sufficient amount necessary for the erection of buildings within the prison walls, for work shops, as well as such additional accommodations for prisoners as will be hereafter recommended. The necessary buildings for the purpose last named, and which are demanded by every consideration of humanity and justice, will absorb a considerable portion of the required appropriation.

This being the first committee required to visit the prison, since its transfer from the Lessee to the State, they were deeply impressed with the importance of making a thorough investigation of all matters connected with the institution, in order to enable them to offer such a report as might tend to secure a better regulation of the affairs of the prison, as well as a profitable employment of the convicts, and thereby relieve the citizens of our State from an onerous taxation for its support.

Your committee are aware of the many difficulties to be encountered in inaugurating these necessary reforms, and have therefore availed themselves of every inquiry and research, most likely to aid them in the con-

summation of so desirable an object. During their visit to the prison, they devoted a portion of their time to the inspection of various manufactories, now in operation in San Francisco, and have considered the feasibility of instituting various branches, not yet introduced into our State; the result of which is a thorough conviction that convict labor can not only be employed with profit to the State, but also without materially affecting the interest of free labor.

We found confined within the prison five hundred and seventy-one convicts, from every county and district, of the State, of almost every nationality and color, and committed for almost every grade of crime, punishable by imprisonment in the State Prison.

The convicts, at the time of our visit, were idle, and indiscriminately congregated in the prison yard, and owing, to the want of proper buildings, at night some forty, or more, are crowded together in the same room. Thus the novitiate in crime is brought in immediate nearness with the most hardened and depraved. The convict, perhaps the victim of indiscretion, rather than crime, finds here a finished tutor in every species of villainy, and if, on his discharge, he is not an adept in the various devices of the whole calender of crime, it is an evidence that he possesses a greater share of self-sustaining virtue than is usually possessed in that portion of frail humanity found within the walls of a prison. In the present united companionship of criminals, they are schooled in all the arts and devices of crime of every description, without any of the wholesome and reclaiming influences that would be derived from separate, or solitary, confinement. This, however, under the present accommodations, is impracticable.

To obviate this difficulty, your committee would recommend that an additional building be erected, after the most approved plan of prison buildings now used in the old States, on the southeast side of the present prison building, midway between that building and the wall of the prison grounds. This should be done as soon as the necessary material can be prepared by the prisoners.

The building should have, constructed within its walls, cells, so that the long and second term convicts could be subjected to solitary confinement, which will alone insure the maintenance of a secure and reclamatory system of prison discipline.

Your committee would further recommend the leasing of the prison labor, to parties who may desire it for mechanical, or manufacturing, purposes, to be employed within the prison walls. Heretofore the prisoners, for the most part, have been employed in manufacturing of brick, cutting wood, etc. without the walls of the prison; this is highly improper, and should not be allowed.

We are aware that a prejudice exists in the public mind against the employment of convict labor in manufacturing and mechanical pursuits. But we believe that such kinds of mechanical business can be selected as will not prejudice, at least to but a very limited extent, the interest of free labor. Many articles of general use could be manufactured by prison labor, that will not remunerate free labor at present rates of wages, if indeed, at any future time. We might here enumerate many articles that would come within this category. For instance, the rapid increasing wants of our wine growing interest demands a vast number of vessels to contain the product of the vineyards. The business of beef and pork packing, for exportation, (now of some magnitude,) is steadily increasing. This branch of industry, in connection with wine making, will necessarily require a large number of barrels, which could be manufactured to

advantage by prison labor, from native timber. Agricultural implements, many of them of such ponderous proportions that the cost of their transportation from the Atlantic States goes very far in making up the aggregate of their enormous cost, such could be manufactured with profit to the Contractor for prison labor, and of benefit to the agricultural interest of the State. By cheapening such labor-saving implements, they are placed within the reach of a greater number of our farmers. We would therefore recommend to the Board of State Prison Managers to lease out, on the best possible terms, such portions of the convicts as may be required for the manufacturing of agricultural implements.

There are other branches of mechanical business, the raw material for which is produced within our State, that your committee believe could be carried on by convict labor advantageously, and to the best interest of the people.

We export, annually large quantities of wool, and we are informed by those who have already made the experiment, by the establishment of woolen factories in San Francisco, fully demonstrates the feasibility of establishing this branch of industry as being beneficial to the consumers, as well as the producers. This large quantity of wool, annually exported, is returned to us in such goods as our wants require, and which could be manufactured here. We thus pay double freight, warehousing, drayage, insurance, wharfage, and the many expenses incidental to trade, thus increasing the cost of the manufactured article to an extent beyond their production by a proper application of cheap labor. The manufacture of such goods as would be most remunerative to this description of labor would not seriously interfere with the woolen factories now established, or hereafter to be established. The growing wants of an increasing population would more than consume the products of the loom. We would, therefore, especially call the attention of the Legislature and Board of State Prison Managers, to this branch of industry.

It should be borne in mind that the State Prison is an institution entailed upon the State, and has heretofore been a heavy annual drain upon the State treasury; but if an immediate outlay of even a large sum, necessary for buildings and machinery, it could be made a self-sustaining institution, the State would ultimately be largely the gainer.

We export annually a large amount of hides, which are manufactured, and returned to us, in articles that could be manufactured by convict labor, at remunerative prices, as course boots and shoes, harness, etc.; in this branch an indefinite number of convicts might be initiated at a very small outlay.

It cannot be said that the manufacture of the articles enumerated, by prison labor, can interfere with free labor, for the reason that competition with eastern manufactories, at present, or prospective, rates of labor, would be utterly impracticable.

Your committee could enumerate many other articles for which we are at present almost entirely dependent upon the eastern manufacturer, and which, by the system they propose, could be produced in our own work shops. But they deem it unnecessary; they believe a due consideration of the facts deduced will convince the most skeptical of the utility of employing, with advantage, the labor of the convicts at some branch of mechanical employment, suited to their peculiar condition.

We are unable to see why the employment of the prisoners in manufacturing of the articles above enumerated would interfere with free labor any more than to employ them at brick making, as at present.

It is evident, in the first place, that there is an unquestionable necessity



that the prisoners should be employed. Secondly, it is desirable that their labor should be made sufficient for their support, and in order to effect this a new system of employment must be inaugurated. Third, the nature of this employment should be of such a character as to keep the convicts within the prison walls.

The advantage of employing the prisoners at mechanical pursuits is, therefore, obvious. It would admit of their being worked within the prison walls, and in large numbers together, and thereby prevent, in a great degree, escapes. It would give employment to the prisoners the whole year. It would enable the Directors to do away with the odious trusty system. Their labor would be much more remunerative to the State. A great many articles would be produced that are now imported from other States, and therefore be the means of retaining a large amount of money in the country that would otherwise go into the pockets of the eastern manufacturer.

In addition to these considerations, it would give such employment to the prisoners as would tend to render them industrious, reclaim them from vice, and enable them to obtain an honest livelihood, after having satisfied the demands of justice, and are again permitted to mingle with their fellow beings.

These are considerations that should demand the attention of the Legislature, and the Board of State Prison Directors. If it should be determined to employ the prisoners in the manner proposed, new buildings for that purpose will be required, and which could be constructed either by the State, or the Lessees of the prison labor, the State furnishing the brick, and such prison labor as might be made available. The latter would probably be most desirable, considering the present financial condition of the State.

Upon examination of the various departments of the prison, we found them generally clean, and as free from unhealthy influences as their crowded condition would permit.

Their food is wholesome, and well prepared, and their clothing, with few exceptions, comfortable.

Their provisions consist, principally, of beef, bread, beans, and potatoes, all of which, judging from personal examination, and careful inquiry, are of good quality, and are supplied in reasonable quantities.

The government of the prison, under the Board of Directors, consists of one Warden, one Assistant Warden, one Captain, and one Lieutenant of Guards, one Clerk, one Commissary, one Turnkey, one Gate-Keeper, two Boat Captains, one Overseer, and twenty-eight Guards.

The salaries of these officers and employés are as follows:

Chief Warden, one hundred and fifty dollars per month.

Commissary, one hundred and twenty-five dollars per month.

Captain of Guards, one hundred and twenty-five dollars per month.

Lieutenant of Guards, one hundred dollars per month.

Turnkey, one hundred dollars per month.

Gate-Keeper, seventy-five dollars per month.

Physician, one hundred dollars per month.

Two Boat Captains, one seventy-five, the other sixty-five, dollars per month.

Guards, fifty dollars per month.

If the prisoners should be required to labor within the prison walls, less Guards and attendance would be required for the necessary *surveillance* of the convicts.

The modes of punishment are flogging, irons, and chain and ball. The

prisoner thus manacled and obliged to labor, must suffer severely, and your committee hope some less severe mode may be adopted in its stead. They would state, however, that the limited means at the command of the officers for punishment by solitary confinement, renders it often necessary to adopt such other methods of punishment as may be deemed, by sensitive minds, improper.

There were in the hospital, eleven patients, none of whom were dangerously ill. In another department there were nine who had been wounded in the recent attempt at escape; some of those had been pierced by five or six balls, and were at the time considered beyond recovery, but when we saw them they were all considered out of danger. This, together with the general good health of the prisoners, speaks favorably for the salubrity of the location.

The promiscuous crowding together, in small rooms, of so many convicts, enables them freely to impart to each other their knowledge of every shade of villainy, and to concoct successful schemes of theft, robbery, and other depredations upon society, after the expiration of the terms for which they were sentenced. Thus the prison, instead of answering the ends for which it was established, may, with propriety, be regarded as a State Normal School of vice.

Under the present arrangement and system of State Prison management, your committee are of the opinion that the prisoners are neither reformed, nor punished, and unless some better policy can be adopted, the entire abandonment of State Prison punishment should be seriously considered.

A judicious State policy, as well as the promptings of humanity, a proper regard for the honor of California, and a decent respect for the opinions of the civilized world, demands that additional accommodations be speedily provided, and that a system of employment, compatible with the proper police regulations of the prison, be adopted as soon as practicable.

Under the present order of things, even with the utmost diligence on the part of the present competent managers, the institution reflects no credit to the State.

Your committee find that the convicts are entirely unprovided for, in the way of moral and religious instruction. In the penitentiaries of the Atlantic States, the importance of bestowing a proper attention to these requirements is fully appreciated, and as an auxiliary to any system of reformation, generally adopted. The Reverend Mr. Gilbert, who for nearly two years gratuitously acted as Chaplain to the prison, was compelled to abandon the duties last October, since which time the convicts have had but little, if any, religious instruction.

The object of the law is not only to confine and punish criminals, but also to induct such a system in the government of the prison as to cause a reformation in the moral condition of its inmates. It is presumed that it aims at reform, as well as punishment, so that when the criminal shall have served the term allotted by law as the penalty of his crime, he shall be better fitted to become a member of society; this can only be accomplished by giving them frequent moral and religious instruction. On the Sabbath day no service of a religious nature is held, no prayer is heard, no bible is read, no exhortation to repentance is made, but they are left to mingle in vice and infamy, without an effort to bring them to a realization of their degraded and lost condition. Surely this should not be. A judicious State policy, as well as the promptings of humanity, and a proper regard for the honor of our people, should prompt is to no longer

delay supplying the word of life to the unfortunate inmates of our prison. Your committee would recommend a sufficient annual appropriation to have divine service performed at the prison on every Sabbath day.

The reclamation of even one erring mortal from the errors of his past life, to a realizing sense of his lost condition, would more than repay the outlay. But why should we not hope that many of those so deeply dyed in crime may not be induced, by the teachings of divine inspiration, to abandon their evil ways, may "cease to do evil, and learn to do well," by throwing around them the influences of the gospel.

History is replete with instances where the word of God, falling on the ear of the vilest of sinners, has conjured up some innocent memory of the past, and by appealing to the better feelings of his nature, recalled him to a better life. Let us not forget, as Legislators, that a heavy responsibility rests upon us in this connection, and let us no longer permit so great a reproach to rest upon us.

In order to insure a more perfect prison discipline, your committee would recommend a uniform style of prison clothing, for the following reasons: First, it would advance the discipline of the prison, by enabling the guard to detect, instantaneously, the convict, from the surrounding persons, in an attempt to escape, or in cases of insurrection. Second, it would be a matter of great difficulty for prisoners to escape, even when outside of the walls of the prison, the garb would be generally known by the citizens of the surrounding neighborhood, and by this means the convict would be readily detected. In order to make it more effectual, it should be understood that no discharged convict would be permitted to leave the prison clad in the uniform of the institution. It should further be made a misdemeanor, punishable by fine and imprisonment, for any person to furnish clothing to any one clothed in prison uniform, or known to be an escaped convict.

In order to prevent convict labor from entering too generally into competition with other labor in mechanical pursuits, your committee would recommend that a law be passed prohibiting the State Prison Directors from leasing the convict labor for any other mechanical purpose than the following: the manufacture of woolen fabrics, agricultural implements, cabinet ware, boots and shoes, harness, barrels, and half barrels, quarrying and cutting of stone, or as may be specified in the act.

In conclusion, your committee beg leave to remark that they will, in a few days, offer a further report in relation to the title to the prison grounds, finances, etc. and will also report a bill providing for the government and management of the prison.

JOHN H. HILL,

Report accepted.

Chairman of Joint Committee.

Mr. Logan made the following report:

MR. PRESIDENT:—The delegation to whom was referred Senate Bill, No. 309, An Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Tehama—have had the same under consideration, and ask leave to report it back, and recommend its passage.

LOGAN,

Senator of the Fifteenth Senatorial District.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back, without amendment, considered engrossed, read a third time, and passed.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 227, An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in the transmission thereof;

Also, Senate Bill, No. 278, An Act concerning the office of Treasurer, County Clerk, County Recorder, and Clerk of the Board of Supervisors, of the County of Sonoma—and report the same correctly engrossed.

MERRITT,

Report accepted.

Chairman.

Mr. Shafter made the following report :

Mr. PRESIDENT:—The Judiciary Committee report Senate Bill, No. 322, An Act amendatory of, and supplementary to, An Act to regulate Proceedings in Civil Cases in Courts of Justice in this State—with an amendment, and recommend the passage of the bill as amended.

Strike out all after the enacting clause, and insert as follows :

“Section 1. An action upon a judgment, or decree, of any court of this State, can only be commenced within five years after the rendition of such judgment, or decree.

Sec. 2. All acts and parts of acts, conflicting with the provisions of this act, are hereby repealed.”

SHAFTER,

For Committee.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules further suspended, and bill considered engrossed.

The question then being on the passage of the bill, was put and lost.

So the bill was rejected.

Mr. Merritt in the Chair.

On motion of Mr. Thornton, Senate Bill, No. 315, was taken up, and placed at the head of the file.

Mr. De Long moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas-Pipes in the City and County of San Francisco.

Mr. Phelps arose to a point of order—that the Forty-Fifth Rule having been suspended, and the Secretary directed to report the bill to the Assembly forthwith, the bill was out of the possession of the Senate, and therefore a motion to reconsider could not be entertained.

The Chair ruled the point of order well taken.

Mr. De Long appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, the ayes and noes were demanded, by Messrs. Watt, Ryan, and Gallagher, and taken with the following result: Ayes, 16—noes, 4:

AYES—Messrs. Burbank, Clark, Dickinson, Eagan, Franklin, Gallagher, Harvey, Heacock, Hill, Irwin, Parks, Phelps, Rhodes, Sharp, Watt, and Vance—16.

NOES—Messrs. De Long, Denver, Haynes, and Ryan—4.

So the Chair was sustained.

Mr. De Long then moved to reconsider the vote by which the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Watt arose to a point of order—that the bill not being in the possession of the Senate, no motion could be entertained in regard to it; therefore, the motion was out of order.

The Chair ruled the point of order not well taken.

Mr. Clark appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, was put and lost.

So the ruling of the Chair was not sustained, and the motion was declared out of order.

Mr. Phelps made a verbal report on Assembly Bill, No. 252, recommending its passage.

Report received.

On motion, the bill was made the special order for Wednesday next, at half past eleven o'clock, A. M.

On motion of Mr. Phelps, Senate Bill, No. 65, was taken from the file, and made the special order for Wednesday next at a quarter to twelve o'clock, A. M.

Mr. Burbank, by leave, introduced a bill for An Act to create the office of Commissioner of Foreign Emigration, and to encourage and promote direct Emigration to this State from Europe.

Read first and second times, and together with a communication relative thereto, referred to the Judiciary Committee.

#### REPORTS.

Mr. Phelps made the following report :

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 311, An Act to provide for the Permanent Improvement of the Stock Grounds of the State Agricultural Society—have had the same under consideration, and report the same back, and recommend its passage.

T. G. PHELPS,  
Chairman.

Report received, and with bill, placed on file.

Mr. Clark made the following report :

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 149, An Act making appropriations for deficiencies in the appropriation made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—have had the same under consideration, and report the same back, with amendments, and when so amended recommend its passage.

The following are the proposed amendments :

In the sixteenth line, first section, strike out the words "from April eleventh to thirtieth, A. D. eighteen hundred and sixty," and in lieu thereof insert "of the Assembly during the Eleventh Session of the Legislature."

Strike out from the twenty-fifth, twenty-sixth, and twenty-seventh, lines, the words "for pay of Porter for the Attorney-General's office, one hundred and twenty dollars."

CLARK,  
Chairman.

Report received, and with bill placed on file.

Mr. Clark also made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly Bill, No. 370, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—have had the same under consideration, and now report the same back, and recommend its passage.

CLARK,  
Chairman.

Report received, and with bill, placed on file.

Mr. Ryan made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred a communication from His Excellency the Governor, in relation to Buoys in the waters of San Francisco—have had the same under consideration, and report a bill for An Act for the protection of Harbors, and recommend its passage;

Also, Senate Bill, No. 260, An Act amendatory of An Act supplementary to an Act entitled An Act to afford protection to Immigrants—and report the same back, with a substitute, and recommend the passage of the substitute.

J. T. RYAN,  
Chairman.

Report received.

Mr. Ryan moved to suspend the rules, and consider the Harbor Bill now.

Upon which, the ayes and noes were demanded, by Messrs. Ryan, Dickinson, and Heacock, and taken with the following result: Ayes, 19—noes, 6:

AYES—Messrs. Burbank, De Long, De la Guerra, Edgerton, Gallagher, Harvey, Haynes, Hill, Irwin, Logan, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thornton, Watt, and Vance—19.

NOES—Messrs. Clark, Dickinson, Eagan, Franklin, Merritt, and Thomas—6.

So the rules were suspended, and the bill relative to the protection of Harbors, was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendment, considered engrossed, read a third time, and passed.

Mr. Shafter offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that no bill shall be introduced in either Senate or Assembly after the seventeenth day of April, A. D. eighteen hundred and sixty-one, unless reported from some Standing Committee.

Mr. Vance offered the following as a substitute:

*Resolved*, By the Senate, the Assembly concurring, that both branches of the Legislature adjourn *sine die* on the first Monday of May next, at twelve o'clock, M. and that no new business be introduced after the twenty-fifth of the present month.

Adopted.

Mr. Clark, by leave, introduced a bill for An Act making an appropriation for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one.

Read first and second times, rules suspended, and bill considered further in Committee of the Whole.

IN SENATE.

Reported back, without amendments, rules further suspended, bill considered engrossed, read a third time, and passed.

REPORTS.

Mr. Rhodes made the following report :

Mr. PRESIDENT :—The delegation from Contra Costa and Alameda counties, to whom was referred Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin—have had the same under consideration, and now report the bill back, with the accompanying amendments, and recommend the adoption of the amendment, and the passage of the bill as amended.

Amend section first, line third, after the word "associates," by striking out all down to, and including, the word "company," in line sixth.

Amend section third, by striking out all after the word "power," in line fifth.

A. L. RHODES.

Report received, and with bill, placed on file.

Mr. Heacock made the following report :

Mr. PRESIDENT :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 20—have had the same under consideration, and report the same back, with the following amendments, and recommend its passage as amended :

Strike out the word "who," in last line of page two.

Strike out the words "twelve hundred," in line twenty-sixth, page three, and insert in lieu thereof "six hundred."

CLARK,  
HEACOCK.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Hill made the following report :

Mr. PRESIDENT :—The delegation to whom was referred Assembly Bill, No. 323, entitled An Act to amend Section Twelve of An Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine—report the same back, without amendment, and recommend the passage of the bill.

HILL.

Report received, rules suspended, bill read a third time, and passed.

Mr. Logan offered the following resolution :

*Resolved*, That William E. Dennis be, and he is hereby, allowed the sum of one hundred dollars, payable out of the Contingent Fund of the Senate, for his services as one of the acting Pages of the Senate at the present session of the Legislature.

Adopted.

Mr. Dickinson offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that a Joint Select Committee of three from each House be appointed, whose duty it shall be to examine all warrants issued prior to January first, eighteen hundred and fifty-seven, now among the archives of the State in the Secretary of State's office, prepare an accurate list of the same, giving their numbers, date, amounts, and the names of parties, in favor of whom the same were drawn, and in the presence of the Secretary of State and the State Treasurer, destroy all such as are based upon claims which by the action of the Legislature, and the acceptance of the parties interested, have been canceled.

Adopted.

The Chair appointed as such committee on the part of the Senate, Messrs. Dickinson, Parks, and Heacock.

Mr. Clark made the following report :

MR. PRESIDENT :—The undersigned, members of the Committee of Free Conference on the part of the Senate and Assembly upon the disagreement of the two Houses in amendments adopted by the Senate to Assembly Bill, No. 36—would respectfully report, that upon conference the committee disagree.

The undersigned recommend that the Senate adhere to its amendments, and that the Assembly concur in said amendments.

ROBERT CLARK,

H. EDGERTON,

Senate Committee.

BENJ. S. LIPPINCOTT,

Assembly Committee.

Report received and committee discharged.

On motion of Mr. Chase, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest : D. J. WILLIAMSON, Assistant Secretary.

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## IN SENATE.

SENATE CHAMBER,

Monday, April 15th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

On motion of Mr. Vance, leave of absence was granted to Mr. Pico for two days.

## REPORTS.

Mr. Edgerton, from the Solano Delegation, to whom was referred Assembly Bill, No. 343, An Act to make certain Offices of Solano County



salaried Offices—reported the same back verbally with a recommendation that it be indefinitely postponed.

Report received, and bill placed on file.

Mr. Merritt made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 216, An Act authorizing Charles H. Brindle and Andres Pico to build and construct a Turnpike Road from the Ex-Mission of San Fernando to the Arroyo de Santa Clara in Los Angeles County ;

Also, Senate Bill, No. 312, An Act to organize a Board of Supervisors in and for the County of Tehama and to district said County ;

Also, Senate Bill, No. 320, An Act for the relief of Truman Wilcox ;

Also, Senate Bill, No. 300, An Act to change the name of Gustav Madson ;

Also, Senate Bill, No. 235, An Act to appropriate Money to pay the Claim of Wells, Fargo & Co. ;

Also, Senate Bill, No. 196, An Act to amend an Act entitled An Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty ;

Also, Senate Bill, No. 131, An Act concerning District Court Reporters, etc. ;

Also, Senate Bill, No. 318. An Act to amend an Act entitled An Act to create the Office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, and the several Acts amendatory thereof and supplementary thereto—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Ryan made the following report :

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 122, An Act to provide for the Measurement and Inspection of Lumber and Shingles for the City and County of San Francisco—have had the same under consideration and report it back with amendments, recommending its passage as amended.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Hill made the following report :

MR. PRESIDENT:—The Committee on Public Buildings, to whom was referred the petition of P. J. O'Connor—report the same back and recommend its reference to a select committee of three with power to send for persons and papers.

HILL,  
Chairman.

Report received, and on motion, the consideration of the petition postponed to the first day of June next.

Mr. Gallagher made the following report :

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find due the Secre-

tary of the Senate four hundred and eighty-seven dollars and sixty-five cents.

GALLAGHER,  
For Committee.

April 15th, 1861.

Report adopted.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 15th, 1861. }

*To the Honorable the Senate of California :*

I transmit to your honorable body a communication addressed to the Executive and the Legislature of this State by William F. Anderson, Esq., Agent of the people of Nevada Territory, and acting in their behalf, in which he prays the assent of the Legislature to the boundaries of the Territory of Nevada as fixed by Congress, and so far as the same conflicts with the established boundaries of California.

I have not received an authenticated copy of the act creating the Territory of Nevada and defining its boundaries, and reference can only be made to the proceedings in Congress as published in the *Congressional Globe*. The following is a copy so far as the same relates to the proposed boundaries, viz :

"This Territory is included within the following limits, to-wit: Beginning at the point of intersection of the forty-second degree of north latitude with the thirty-ninth degree of longitude west from Washington; thence running south on the line of said one hundred and sixteenth degree of west longitude until it intersects the northern boundary line of the Territory of New Mexico; thence due west to the dividing ridge separating the waters of Carson Valley from those that flow into the Pacific; thence on said dividing ridge northwardly to the forty-first degree of north latitude; thence due north to the southern boundary line of the State of Oregon; thence due east to the place of beginning; that portion of the Territory within the present limits of the State of California is not to be included within the Territory until the State of California shall assent to the same by an act irrevocable, without the consent of the United States."

It will be seen by the above that the assent of California to the same by an act irrevocable without the consent of the United States is required; and as article twelve of the Constitution fixes and defines the boundary of the State and makes the same a fundamental law, a simple act of the Legislature cannot change it. Notwithstanding the mode and manner prescribed by the Constitution of the United States for the formation of new States, in which the consent of the Legislature of the State and the Congress of the United States is required, the Legislature of California is the creature of the Constitution and cannot alter, or amend, any of its provisions except in the mode and manner prescribed in that instrument itself; therefore it is apparent that the boundaries of the State cannot be altered, changed, or interfered with, without the consent of the people, and this can only be ascertained by submitting the question as a constitutional amendment.

A due regard for the expressed desire of the Federal Government and the people of our neighboring Territory, would demand that the Legislature would take prompt measures to determine whether this assent can

be had more particularly as if the consent of California can be given to the cession of a part of her Territory, it were well that this should be made known at an early day as possible before the expenses of running and determining the eastern boundary of the State are incurred by this State and the Federal Government.

JOHN G. DOWNEY,  
Governor.

The message was read and referred to the Committee on Federal Relations.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 15th, 1861. }

*To the Honorable the Senate of California :*

I herewith transmit for the consideration of your honorable body a communication from the Hon. Thomas H. Williams, Attorney-General, asking that an immediate appropriation be made by the Legislature to pay costs, etc. of litigation in which the State is a party, or a party in interest.

I would respectfully urge upon the Legislature of the State a prompt compliance with the request of the Attorney-General in this behalf.

JOHN G. DOWNEY,  
Governor.

The message was referred to the Finance Committee.

Mr. Thornton presented the petition Of Citizens of Carson City, Silver Lake, and Esmeralda, Districts, praying for the passage of An Act ceding to Nevada Territory the Territory of the State, as provided for by the act of Congress organizing Nevada Territory.

Read and referred to the Committee on Federal Relations.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 15th, 1861. }

MR. PRESIDENT:—The Assembly on April fifth, passed Assembly Bill, No. 299, An Act supplementary and amendatory of several Acts entitled An Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, eighteen hundred and fifty-three, amended May first, eighteen hundred and fifty-four, amended April fifteenth, eighteen hundred and fifty-nine ;

Also, on April eighth, passed Assembly Bill, No. 259, An Act in relation to the Public Pound in the City and County of San Francisco ;

Also, Assembly Bill, No. 31, An Act to authorize County Judges other than the County Judge of Yuba County to hold terms of the County Court, Court of Sessions, and Probate Court, in Yuba County ;

Also, Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment ;

Also, on April ninth, passed Assembly Bill, No. 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the County Auditor, and the Treasurer, of the City and County of San Francisco, to provide for the actual and prospective deficiency in the Corporation Debt Fund of said City and County for the Fiscal years Eighteen Hundred and Fifty-Nine, and Eighteen Hundred and Sixty, approved April sixth, eighteen hundred and sixty ;

Also, on April tenth, passed Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County;

Also, on April twelfth, passed Assembly Bill, No. 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland;

Also, Assembly Substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads;

Also, on April thirteenth, passed Assembly Bill, No. 441, An Act giving the consent of the Legislature to the distribution of the surplus Capitol Stock of a Corporation;

Also, Assembly Bill, No. 425, An Act to amend an Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April twenty-fourth, A. D. eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 344, An Act to provide for the better support of Common Schools in Contra Costa County;

Also, Senate Bill, No. 291, An Act to fix the terms of the District Court in the County of Mono;

Also, Senate Bill, No. 293, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Mono;

Also, Senate Bill, No. 275, An Act for the preservation and protection of Trout;

Also, Senate Bill, 319, An Act to repeal an Act entitled An Act to amend an Act entitled An Act to incorporate the City of Placerville, approved March first, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of Incorporation;

Also, concurred in Senate Concurrent Resolution, No. 40, Relative to granting leave of absence to the County Judge of Santa Barbara County;

Also, on April thirteenth, concurred in Senate amendments to Assembly Bill, No. 106, An Act concerning the County Judge of Klamath County;

Also, on the twelfth instant, passed Assembly Bill, No. 366, An Act authorizing Rachel Bonds, Administratrix of the estate of Geo. W. Bonds, deceased, to sell the Estate of the late George W. Bonds at public, or private, sale;

Also, Senate Bill, No. 426, An Act to fix the time of holding certain Courts in Yolo County;

Also, Senate Bill, No. 239, An Act to amend an Act, passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos;

Also, Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County remaining in the General Fund to the Contingent Fund;

Also, Senate Bill, No. 96, An Act to amend an Act entitled An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, approved March thirteenth, eighteen hundred and fifty-eight, with amendments;

Also, on the thirteenth instant, adopted Concurrent Resolution granting leave of absence from the State to the Hon. S. H. Brooks for thirty days;

Also, passed Assembly Bill, No. 429, An Act to authorize the Guardian of Francis William Patty to sell and convey certain Real Estate;

And I am requested by the Assembly to ask from the Senate the return of Senate Bill, No. 310, An Act to repeal An Act to amend an Act entitled

An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of Incorporation—and which was passed by the Assembly on the thirteenth instant.

J. M. ANDERSON,  
Clerk of Assembly.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 299, above reported—was read first and second times, and referred to the Committee on Public Hospitals.

Pursuant to the above request, the Secretary was directed to return to the Assembly, Senate Bill, No. 310.

Assembly Bill, No. 259, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 31, above reported—was read first and second times, and referred to the Yuba Delegation.

Assembly Bill, No. 283, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 307, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 384, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 139, above reported—was read first and second times, and placed on file.

Assembly substitute for Assembly Bills, Nos 66, and 281, above reported, was read first and second times, and referred to the Committee on Roads and Highways

Assembly Bill, No. 425, above reported—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 441, above reported—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 344, above reported—was read first and second times, and referred to the Senator from Contra Costa.

Assembly Bill, No. 366, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 426, above reported—was read first and second times, and referred to the Senator from Yolo.

Senate Bill, No. 96, above reported—was considered, and Assembly amendments concurred in.

Assembly Bill, No. 429, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Concurrent Resolution, Relative to leave of absence to S. H. Brooks, State Controller, was read and concurred in.

Mr. Heacock, by leave, introduced a bill for An Act to repeal such laws and parts of laws as declare the American Fork, or River, or any portion thereof, navigable.

Read first and second times, rules suspended, bill further considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back.

Pending the action on the amendments, on motion of Mr. Watt, the bill was referred to the Committee on Corporations.

Mr. Edgerton, by leave, introduced a bill for An Act to authorize and empower the Board of Supervisors to levy a Special Tax to purchase

suitable Grounds and Buildings for a High School, in Napa County, and for the support of the same.

Read first and second times, and referred to the Committee on Education.

#### RESOLUTIONS.

Mr. Rhodes offered the following resolution :

*Resolved*, That the claim of C. W. Kendall, for the sum of Twenty-Four Dollars, for three days services as Clerk of the Senate Committee on Apportionment, be allowed, and that the same be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Merritt offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be, and is hereby, allowed, one hundred and ten dollars for Postage Purposes, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That F. M. Schell be, and he is hereby, allowed, the same per diem as is allowed by law to the Porters of the Senate, dating from his appointment as Porter of the Committee Rooms, the same to be paid out of the Contingent Fund of the Senate, provided that his pay shall not exceed five dollars per day from the date of his employment.

The question being upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Clark, Merritt, and Dickinson, and taken with the following result : Ayes, 16—noes, 7 :

AYES—Messrs. Burbank, Chase, Denver, Eagan, Edgerton, Gallagher, Heacock, Irwin, Logan, Merritt, Parks, Ryan, Thornton, Vance, Watt, and Williamson—16.

NOES—Messrs. Clark, Dickinson, Franklin, Harvey, Haynes, Rhodes, and Shafter—7.

So the resolution was adopted.

Mr. Edgerton offered the following resolution :

*Resolved*, That W. F. Huestis, Postmaster of the Senate be, and is hereby, allowed the sum of one dollar a day, extra pay, from the commencement of the session; and the Controller of State is hereby authorized to draw his warrant for that sum, payable out of the Contingent Fund of the Senate.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Clark, Harvey, and Dickinson, and taken with the following result : Ayes, 10—noes, 11 :

AYES—Messrs. Burbank, Chase, Edgerton, Heacock, Logan, Merritt, Ryan, Thornton, Watt, and Williamson—10.

NOES—Messrs. Clark, Dickinson, Eagan, Franklin, Gallagher, Harvey, Haynes, Irwin, Parks, Rhodes, and Shafter—11.

So the resolution was lost.

Mr. Edgerton, also, offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be, and he is hereby,

authorized, to supply the Senate with Ice; and the Committee on Contingent Expenses are hereby requested to audit the account for the same, payable out of the Contingent Fund of the Senate.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Clark, Edgerton, and Shafter, and taken with the following result: Ayes, 12—noes, 10:

**AYES**—Messrs. Clark, Eagan, Edgerton, Haynes, Logan, Merritt, Parks, Ryan, Thomas, Thornton, Vance, and Williamson—12.

**NOES**—Messrs. Burbank, Chase, Dickinson, Franklin, Gallagher, Harvey, Irwin, Rhodes, Shafter, and Watt—10.

So the resolution was adopted.

#### REPORTS.

Mr. Merritt made the following report:

**MR. PRESIDENT**:—Your Committee on Engrossed Bills, have examined and found correctly engrossed, Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas-Pipes in the City and County of San Francisco.

MERRITT,  
Chairman.

Report accepted.

Mr. Thomas made the following report:

**MR. PRESIDENT**:—Your Committee on Enrolled Bills, respectfully report as correctly enrolled, the following bills:

Senate Bill, No. 263, entitled An Act to Incorporate the Town of Grass Valley;

Also, Senate Bill, No. 161, entitled An Act to refund to Martin Brannan the amount paid into the Treasury of State for certain Poll Tax Receipts, the same having been mislaid;

Also, Senate Bill, No. 138, entitled An Act making an appropriation for the payment of the Claim of James R. Hardenbergh, for Postage Stamps furnished Senate, Eleventh Session;

Also, Senate Bill, No. 63, An Act to audit and pay the Claim of Gregory Yale;

Also, Senate Bill, No. 272, An Act concerning the Office of Tax Collector in the County of Placer;

Also, Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty;

Also, Senate Bill, No. 148, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to procure Chambers for the Judges of certain Courts;

Also, Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House;

Also, Substitute for Senate Bill, No. 231, entitled An Act to separate the Offices of County Recorder and County Auditor from the Office of County Clerk, in the County of Calaveras;

Also, Senate Bill, No. 187, An Act to authorize Peter Davidson to execute a certain Conveyance in behalf of his Infant Children;

Also, Senate Bill, No. 252, An Act for the Relief of the Clerk of the Board of Supervisors of Sacramento City and County—and delivered

the same into the hands of his Excellency the Governor, at one o'clock, P. M. on the fifteenth day of April, eighteen hundred and sixty-one.

PHILIP W. THOMAS,

Report accepted.

Chairman.

On motion of Mr. Logan, Assembly Bill, No. 370, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—was taken up, read a third time, and passed

The Secretary was directed to insert an enacting clause.

#### GENERAL FILE.

Senate Bill, No. 227, An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in the transmission thereof—was taken up, read a third time, and passed.

Senate Bill, No. 315, An Act supplementary to An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill returned to the top of the file for Wednesday next.

Assembly Bill, No. 74, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

On motion of Mr. Hill, Mr. O'Connor was granted permission to withdraw his petition and accompanying papers.

On motion of Mr. Williamson, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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#### IN SENATE.

SENATE CHAMBER,

Tuesday, April 16th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Heacock, by leave, introduced a bill for An Act supplementary to



an Act entitled An Act in relation to Personal Mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven.

Read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, rules still further suspended, bill considered engrossed, read a third time, and passed.

On motion the Forty-Fifth Rule was suspended, and the Secretary directed to report the same to the Assembly forthwith.

#### REPORTS.

Mr. Gallagher made the following report:

MR. PRESIDENT:—Your Committee on Mines and Mining Interests, to whom was referred Senate Bill, No. 172, An Act for the better protection of Mines—have had the same under consideration, and report the bill back amended, and recommend that it pass as amended.

Amend section one, line two, by striking out the words "eighteen hundred and sixty-one," and inserting therefor the words "eighteen hundred and sixty-two."

P. A. GALLAGHER,  
Chairman.

Report received, and with bill placed on file, and bill ordered printed.

Mr. Watkins made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate Bill, No. 193, a claim of E. S. Green, former Sheriff of Sonoma County, for amount of judgment against him—have had the same under consideration, and report the same back, with a new bill, the old one having been lost, and recommend the passage of the bill.

WATKINS,  
Chairman.

Bill read first and second times, and placed on file.

Mr. Clark made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 256, An Act to exempt Odd Fellows Hall, in Marysville, from Taxation—have had the same under consideration, and report the bill back, a portion of the committee recommending the passage, and the balance the rejection, of the bill.

CLARK,  
Chairman.

Report received, and with bill, placed on file.

Mr. Franklin made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred An Act giving the consent of the Legislature to the distribution of the surplus Capital Stock of a Corporation—have had the same under consideration, and beg leave to report the same back, and recommend its passage, without amendment.

FRANKLIN,  
For the Committee.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back, without amendments, read a third time, and passed.

Mr. Ryan made the following report :

MR. PRESIDENT:—The Siskiyou, Napa, and Humboldt, delegations, to whom was referred Assembly Bill, No. 111, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou—have had the same under consideration, and report it back, recommending its passage.

JAS. T. RYAN,  
For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back, without amendments, read a third time, and passed.

Mr. Harvey made the following report :

MR. PRESIDENT:—The undersigned, a majority of the committee appointed on behalf of the Senate, to investigate the condition of the State Insane Asylum, at Stockton, would respectfully submit the following :

From the short time allotted the committee, it would be almost impossible to give the institution that examination and inspection, in all of its departments, necessary for a full and reliable report ; and especially of the professional treatment of its inmates. Once, or twice, passing through the wards of the institution in the short space of an hour, or two, and among some four hundred and fifty cases, enables one to determine but but very little relative to the mode of treatment the patients are receiving.

At the time your committee visited the institution there were four hundred and fifty-four inmates, and constantly increasing in a ratio very disproportionate to the number of cures and discharges ; and unless a favorable change occurs in the curative department, and the institution relieved of many of its inmates, humanity will demand at our hands no small appropriation to enlarge the building adequate to its wants. At the present time the institution is too much crowded for the proper care and comfort of its inmates, and unless relieved, will materially retard recoveries.

The mad-house, its construction, the confinement and treatment of its inmates, cannot be too highly deprecated. Such an appendage to an asylum, is at least fifteen years behind the age, and should be superseded by well ventilated rooms, kind care, and humane treatment of its inmates, which means are successful substitutes for controlling, in a majority of cases, even the raving maniac.

Of the sanitary condition of the institution, so far as the diet, bedding, and clothing, of patients, the neat and cleanly condition of the rooms, in every department of the building, your committee can speak in terms of much praise, and as reflecting much credit upon the parties having the same in charge.

The arrangement and cultivation of the grounds connected with the institution exhibit taste and cheerfulness, as well as utility.

Of the curative department, which is the main feature in an Insane Asylum, your committee cannot report as favorably as they would desire. It is the opinion of your committee that careful, skillful, and well adapted

treatment, would materially diminish the number of inmates during the next twelve months, and restore a majority of those unfortunates to their full reason and usefulness.

The main question to be considered in the treatment of insane persons is, the adaptation of all, and the best means, for a speedy restoration; for it is universally conceded by those of long experience, and the most eminent in this department of medical science, that between eighty and ninety per cent. of all recent cases recover, when properly treated, and improvement, or recovery, in a majority of cases, is manifest within the space of three months. Of cases improperly treated, or neglected, but few recover, and when improvement is not apparent within that time, chances for recovery become less as time advances.

It must be apparent to every observing mind, that the causes which produce insanity in our young and thriving State, are growing less, with a proportionate increase of the facilities of comfort and happiness manifest in every sphere and department of life, and when we consider that a large majority of the insane persons in California are recent cases, we are lead at least to a thoughtful inquiry as to the per centage of cures that should obtain. It is found that of indiscriminate admissions into asylums for the insane, over forty per cent. are discharged cured; but this does not represent the prospect of cure in a recent case. In the York Retreat, for a period of sixty-one years, we find of those who were attacked for the first time, and admitted within three months of the seizure, seventy-three and one-tenth per cent. were cured. The Hospital Retreat, for fifteen years, ending eighteen hundred and fifty-nine, gives eighty-four per cent. of recent cases cured. The Ohio Asylum, for eighteen years, gives eighty-six per cent. recent cases cured.

In the report of the Superintending Physician of the Stockton Asylum, ending December first, eighteen hundred and sixty, we find the following: "That there were in the institution on the first day of August, A. D. eighteen hundred and fifty-seven, one hundred and sixty-two patients; that from August first, eighteen hundred and fifty-seven, to December first, eighteen hundred and sixty, there had been admitted eight hundred and fifty-four; the whole number provided for in that time being one thousand and sixteen—that there had been four hundred and eleven discharged, that one hundred and fifty-two have died, and that thirty-six have escaped, leaving in the asylum on the first day of December, eighteen hundred and sixty, four hundred and seventeen patients."

The number of discharges for the past three years, as per above statement, is about forty-one per cent. Of what proportion of this number were cured, is not stated, and your committee have no satisfactory means of ascertaining. The average number of cures upon the whole number of discharged in other institutions, is about one-half. This estimate would bring the cures in the Stockton Asylum at twenty per cent. which is twenty per cent. less than the average of all the other asylums in the United States. This neglect in keeping a record of the number of recoveries, and a case book, exhibiting the condition, treatment, and improvement, of the patients, from time to time, is much to be regretted.

Had the discharges amounted to eighty per cent. which it is not unreasonable to suppose, judging from the statistics of other institutions in the older States, and deducting the number of deaths and escapes, the number now remaining would be one hundred and thirty-nine, instead of four hundred and seventeen.

It is proper to state in this connection, that insanity is more prolific in California than almost any other State in the Union, in proportion to her

population, and what peculiar causes are operating to render it less curable, your committee are not prepared to say, though it is their opinion that the malady is quite as amenable to proper treatment, in this, as in any other State, and more so, from the fact that most of the cases are recent, and not broken down by age and physical debility.

The table herewith annexed presents a list, and the latest statistics, of American institutions for the insane, including that of California for eighteen hundred and fifty-eight, in which it will be observed that the whole number of cases treated, was two hundred and forty-eight; the whole number discharged, including deaths and escapes, sixty; of this number, only twelve were discharged cured, it being less than five per cent. of recoveries upon the whole number treated.

The interest, enterprise, and zeal, manifested by the Board of Trustees, in the discharge of their duties and conducting the financial affairs of the asylum, is most commendable. They seem to be actuated by a desire to make the institution meet fully the object designed. It is the opinion of your committee that the financial department of the asylum should be more fully under the supervision of the Steward and Board of Trustees, than at present.

Appended herewith is an exhibit of the expenditures of the asylum for the year ending November thirtieth, eighteen hundred and sixty; also salaries of attachés per month.

The total amount of appropriations for the asylum, including the salaries of Physicians, for the year ending January thirtieth, eighteen hundred and sixty-one, were ninety-three thousand eight hundred and sixty-six dollars and two cents, which are as follows:

To pay sundry accounts, April 13, 1860 .....	\$635 96
To pay Mary Hanson, April 13, 1860.....	143 34
To pay of Morpee & Lauson, April 13, 1860.....	86 72
To purchase of ten Cows, April 13, 1860 .....	1,000 00
General appropriation.....	84,000 00
Resident Pysician.....	5,000 00
Assistant Physician.....	3,000 00

The entire appropriation will be required to meet the expenditures of the year, and not unlikely, a further appropriation be required. With the present number of patients, and the expenditures required, your committee cannot recommend less in the general appropriation than eighty thousand dollars, though it is to be hoped that the expenses may be considerably reduced the coming year.

Nothing is more apparent to your committee than the necessity of a revision in the financial department of the institution—not but what the same has been conducted as economically as could be expected under the present system, with one, or two, exceptions.

When we reflect upon the fact that there are now in the asylum, some four hundred and sixty of our fellow beings, bereft of reason, it is one that demands of us something more than a political consideration, of who and how the same shall be conducted.

The manner of electing Physicians to the asylum by the Legislature, based upon the political proclivities of the candidates, cannot be too highly deprecated in a civilized and enlightened country. Not but what

competent and worthy men may be, and are, sometimes, elected ; but to measure human life and suffering by dollars and cents, or the freaks of political parties, is revolting to every instinct of an enlightened and humane mind.

It is the opinion of your committee that Physicians to an Insane Asylum should be chosen by a board of medical men created for that purpose, and that the candidates should be selected with especial reference to their ability, skill, and peculiar fitness, for the position.

It is the opinion of your committee that there are many defects in the law organizing and regulating the asylum, and before a proper revision can be made, a more thorough examination should be had of the institution in all of its departments ; and as such examination cannot well be had during the present session of the Legislature, and for the purpose of carrying out and maturing such changes and modifications as may be desired, and that the same may be brought before the Legislature at an early day during the next session, your committee would recommend the adoption of the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that a committee of three be appointed by the Legislature, to visit the asylum during the interim of the Legislature, whose duty it shall be to examine thoroughly the institution in all of its departments, and collect such statistics as will enable the committee to mature a more efficient basis for the government and regulation of the asylum ; *provided*, however, that the compensation for said service shall not exceed the pay of members of the Legislature, and for a time not exceeding two weeks.

O. HARVEY,  
JOHN H. HILL,  
S. T. LEET,  
A. L. RHODES.

## STATISTICS

## Of Insane Hospitals in the United States and British America.

NAME.	LOCATION.	SUPERINTEND'T.	Date of report.....	Patients at beginning of the year.....	Admitted during the year....	Discharged.....	Remaining.....	Discharged cured.....	Discharged not cured.....	Died.....	Per Centage of Recoveries..	Per Centage of Deaths.....	Per Centage of Recoveries on the Number of Admissions
State Insane Asylum.....	Augusta, Maine.....	Dr. Harlow.....	1858.....	218.....	126.....	126.....	208.....	59.....	43.....	24.....	28.30.....	11.50.....	46.83.....
State Insane Asylum.....	Concord, N. H.....	Dr. Bancroft.....	1858-9.....	169.....	98.....	85.....	182.....	31.....	40.....	14.....	17.60.....	8.00.....	31.63.....
Insane Asylum.....	Brattleboro', Verm.....	Dr. Bockwell.....	1859.....	415.....	156.....	140.....	431.....	67.....	33.....	40.....	18.84.....	9.43.....	40.95.....
McLean Asylum.....	Somerville, Mass.....	Dr. Tyler.....	1858.....	178.....	155.....	147.....	186.....	72.....	44.....	25.....	39.60.....	13.70.....	46.45.....
State Lunatic Hospital.....	Worcester, Mass.....	Dr. Bemis.....	1858.....	372.....	307.....	178.....	801.....	127.....	219.....	34.....	37.80.....	10.10.....	41.86.....
State Lunatic Hospital.....	Taunton, Mass.....	Dr. Chote.....	1858.....	827.....	223.....	249.....	801.....	84.....	125.....	40.....	26.70.....	12.70.....	37.67.....
State Lunatic Hospital.....	Northampton, Mass.....	Dr. Prince.....	1858.....	228.....	.....	8.....	.....	.....	.....	.....	.....	.....	.....
Butler Hospital.....	Providence, R. I.....	Dr. Ray.....	1858.....	140.....	47.....	52.....	135.....	22.....	18.....	12.....	16.10.....	8.80.....	46.80.....
Insane Retreat.....	Hartford, Conn.....	Dr. Butler.....	1858-9.....	208.....	141.....	134.....	215.....	61.....	63.....	10.....	24.05.....	4.70.....	43.28.....
State Lunatic Asylum.....	Utica, New York.....	Dr. Grey.....	1859.....	451.....	333.....	282.....	562.....	114.....	33.....	31.....	25.85.....	6.51.....	34.30.....
City Lunatic Asylum.....	New York, N. Y.....	Dr. Ramey.....	1858.....	637.....	355.....	327.....	655.....	164.....	71.....	92.....	25.60.....	14.30.....	46.19.....
Bloomington Asylum.....	New York, N. Y.....	Dr. Brown.....	1859.....	146.....	112.....	113.....	145.....	34.....	63.....	11.....	23.28.....	7.53.....	30.85.....
King's County Lunatic Asylum.....	Flatbush, N. Y.....	Dr. Lansing.....	1858.....	238.....	201.....	171.....	288.....	70.....	68.....	27.....	30.04.....	10.67.....	37.81.....
Criminal Insane Asylum.....	Auburn, N. Y.....	Dr. Hall.....	1859.....	65.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hospital for the Insane.....	Philadelphia, Penn.....	Dr. Kirkbride.....	1858.....	230.....	131.....	131.....	230.....	63.....	50.....	18.....	27.40.....	7.83.....	40.09.....
City Lunatic Asylum.....	Philadelphia, Penn.....	Dr. Smith.....	1858.....	406.....	876.....	846.....	416.....	115.....	140.....	111.....	27.97.....	27.00.....	30.59.....
Asylum for persons deprived of reason.....	Frankford, Penn.....	Dr. Worthington.....	1858.....	62.....	24.....	24.....	62.....	11.....	10.....	3.....	17.70.....	5.00.....	45.85.....
State Lunatic Hospital.....	Harrisburg, Penn.....	Dr. Curwen.....	1858.....	230.....	151.....	184.....	217.....	36.....	84.....	14.....	18.85.....	5.42.....	23.84.....
State Lunatic Asylum.....	Baltimore, Maryland.....	Dr. Forrester.....	1857.....	110.....	43.....	45.....	108.....	13.....	27.....	6.....	11.00.....	5.50.....	27.90.....

Mount Hope Institution for the Insane ..	1858	147	138	140	145	61	62	17	41-78	11-64	44-34
Western Virginia Insane Asylum.....	1858	388	136	135	389	62	27	46	15-98	11-83	45-69
Eastern Virginia Insane Asylum.....	1858	232	161	136	257	32	35	69	13-08	28-16	19-25
United States Government Hospital.....	1858	110	43	36	117	13	5	13	16-80	11-40	41-86
Insane Asylum.....	1858	138	57	49	146	24	16	9	16-90	6-34	42-10
Western Penn. Insane Hospital.....	1858	74	83	67	90	34	19	12	41-46	14-60	40-96
State Lunatic Hospital.....	1858	279	146	133	293	92	51	16	21-67	5-39	37-70
Insane Asylum.....	1857	187	69	63	193	35	7	21	18-44	11-05	50-72
Insane Asylum.....	1858	83	59	36	106	21	9	7	22-20	24-50	35-59
Insane Asylum.....	1858	125	84	73	137	32	14	27	24-40	20-60	38-09
Tennessee Asylum.....	1858	105	123	69	158	23	23	19	21-21	14-39	22-19
Eastern Kentucky Asylum.....	1859	226	45	43	228	19	15	9	8-37	3-96	42-23
Western Kentucky Asylum.....	1858	87	95	74	108	38	18	18	38-77	18-36	40-00
Missouri Asylum.....	1858	135	122	86	171	45	19	22	29-41	14-37	36-88
Northern Ohio Lunatic Asylum.....	1857	141	140	133	148	75	54	4	52-08	2-80	53-17
Central Ohio Lunatic Asylum.....	1858	259	175	179	255	101	59	19	39-34	7-39	57-71
Southern Ohio Lunatic Asylum.....	1858	161	106	117	160	73	27	17	54-60	10-60	62-93
Hamilton County Lunatic Asylum.....	1857	179	158	107	230	46	49	12	22-55	5-88	29-11
Indiana Insane Asylum.....	1858	71	300	104	277	81	14	8	46-55	4-60	26-12
Illinois Insane Asylum.....	1858	214	312	297	229	164	91	42	73-87	19-82	52-50
California Insane Asylum.....	1858	162	86	60	188	12	26	17	4-88	9-71	13-82
Canada West Provincial Asylum.....	1858	466	87	75	478	57	...	18	12-20	3-81	65-51
New Brunswick Insane Asylum.....	1858	149	87	81	155	37	18	26	24-34	17-10	42-50
Dr. Stokes.....	1858	147	138	140	145	61	62	17	41-78	11-64	44-34
Dr. Stribling.....	1858	388	136	135	389	62	27	46	15-98	11-83	45-69
Dr. Galt.....	1858	232	161	136	257	32	35	69	13-08	28-16	19-25
Dr. Nichols.....	1858	110	43	36	117	13	5	13	16-80	11-40	41-86
Dr. Fisher.....	1858	138	57	49	146	24	16	9	16-90	6-34	42-10
Dr. Reid.....	1858	74	83	67	90	34	19	12	41-46	14-60	40-96
Dr. Bulolph.....	1858	279	146	133	293	92	51	16	21-67	5-39	37-70
Dr. Parker.....	1857	187	69	63	193	35	7	21	18-44	11-05	50-72
Dr. Hells.....	1858	83	59	36	106	21	9	7	22-20	24-50	35-59
Dr. Parkdull.....	1858	125	84	73	137	32	14	27	24-40	20-60	38-09
Dr. Cheatham.....	1858	105	123	69	158	23	23	19	21-21	14-39	22-19
Dr. Chipley.....	1859	226	45	43	228	19	15	9	8-37	3-96	42-23
Dr. Montgomery.....	1858	87	95	74	108	38	18	18	38-77	18-36	40-00
Dr. Smith.....	1858	135	122	86	171	45	19	22	29-41	14-37	36-88
Dr. Kendrick.....	1857	141	140	133	148	75	54	4	52-08	2-80	53-17
Dr. Hill.....	1858	259	175	179	255	101	59	19	39-34	7-39	57-71
Dr. Melhenney.....	1858	161	106	117	160	73	27	17	54-60	10-60	62-93
Dr. Monet.....	1857	179	158	107	230	46	49	12	22-55	5-88	29-11
Dr. Athon.....	1858	71	300	104	277	81	14	8	46-55	4-60	26-12
Dr. McFarland.....	1858	214	312	297	229	164	91	42	73-87	19-82	52-50
Dr. Aylette.....	1858	162	86	60	188	12	26	17	4-88	9-71	13-82
Dr. Workman.....	1858	466	87	75	478	57	...	18	12-20	3-81	65-51
Dr. Waddell.....	1858	149	87	81	155	37	18	26	24-34	17-10	42-50

*Expenditures of the Asylum for the year ending November 30, 1860.*

Groceries and Provisions.. .. .	\$10,892 85
Dry Goods, Clothing, Boots, Shoes, and Blankets.....	9,093 78
Meat .....	6,458 44
Flour .....	3,761 74
Potatoes .....	2,570 70
Lumber .. .	2,452 64
Butter .....	1,103 48
Milk .....	990 50
Advertising for Proposals and Printing.....	511 00
Medicines .....	440 90
Wood .....	3,119 19
Hardware .....	848 59
Tinware (including Stoves, Lead Pipe, and work on Roof ...	1,709 78
Rent of Lot in rear of Asylum .....	300 00
New Roof on Mad-House .....	1,231 40
Salaries, including that of Treasurer.....	22,034 48
Miscellaneous, (including Crockery, Furniture, Stationery, Papers, Tobacco, Paints, Oil Lime, Sand, Brick, Gravel, Hay, Ice, Liquor, Casting for Pump and Engine, Harness, and sundry other items).....	5,930 74
Trustees' Salaries .....	540 00
<b>Total.....</b>	<b>\$74,170 21</b>

*Salaries of Attachés of the Asylum, per month.*

One Steward .....	\$125 00
One Matron .....	125 00
One Clerk.....	75 00
One Head-Keeper .....	75 00
Four Keepers, at \$60 each.....	240 00
Ten Assistant Keepers, at \$40 each.....	400 00
Four Female Keepers, at \$40 each.....	160 00
One Washerwoman.....	40 00
One Waiter .....	30 00
One Cook .....	50 00
Two Assistant Cooks, at \$30 each.....	60 00
One Watchman .....	50 00
One Baker .....	50 00
One Gardener .....	60 00
One Carpenter and Engineer.....	75 00
One Messenger .....	30 00
One Waiter.....	20 00
One Cook .....	35 00
One Housemaid.....	40 00
One Dairyman.....	30 00
Two Carpenters (temporary), at \$50 each.....	100 00
<b>Total.....</b>	<b>\$1,870 00</b>



Report received, placed on file, and the usual number of copies ordered printed.

On motion of Mr. Sharp, Assembly Bill, No. 270, An Act relative to the Consolidation Act of the City and County of San Francisco—was taken up, and the usual number of copies ordered to be printed.

On motion of Mr. Ryan, Senate Bill, No. 122, An Act relative to the Inspection of Lumber for the Port of San Francisco—was taken up, and the usual number of copies ordered printed.

Mr. Leet moved to take up Senate Bill, No. 321, Relative to the War Debt of this State, and place it at the top of the file for to-morrow.

Br. Ryan moved to amend by making the bill the special order for this day at two o'clock, P. M.

Lost.

The question recurring on the motion of Mr. Leet, to place at the top of the file, was put and carried.

Mr. Merritt in the Chair.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 16th, 1861.

*To the Honorable the Senate of California :*

I have to inform your Honorable Body that I have approved Senate Bill, No. 266, An Act appropriating Money for the payment of the Copying of the Legislature during the Twelfth Session ;

Also, Senate Bill, No. 118, An Act to reimburse to Mary B. Russell certain Moneys expended by the Sisters of Mercy for the burial of the Dead ;

Also, Senate Bill, No. 198, An Act in relation to the compensation of the County Auditor of Butte County ;

Also, Senate Bill, No. 272, An Act concerning the Office of Tax Collector in the County of Placer ;

Also, Senate Bill, No. 63, An Act to audit and pay the Claim of Gregory Yale ;

Also, Senate Bill, No. 148, An Act to authorize the Board of Supervisors of the City and County of San Francisco to procure Chambers for the Judges of certain Courts ;

Also, Senate Bill, No. 138, An Act making an appropriation for the payment of the Claim of James R. Hardenbergh, for Postage Stamps furnished Senate during the Eleventh Session ;

Also, Senate Bill, No. 263, An Act to incorporate the Town of Grass Valley ;

Also, Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty ;

Also, Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House ;

Also, Senate Bill, No. 161, An Act to refund to Martin Brannan the amount paid into the Treasury of State for certain Poll Tax Receipts, the same having been mislaid ;

Also, Senate Bill, No. 231, An Act to separate the offices of County Auditor and County Recorder from the office of County Clerk, in the County of Calaveras ;

Also, Senate Bill, No. 187, An Act to authorize Peter Davidson to execute a certain Conveyance in behalf of his Infant Children.

JOHN G. DOWNEY,  
Governor.

COMMUNICATION FROM BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,  
Sacramento, April 15th, 1861. }

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body the following claim, which has been rejected by the Board, together with the papers and decision of the Board:

Claim No. 229, Placer County, for one thousand seven hundred and fifty dollars.

JOHN G. DOWNEY,  
President Board of Examiners.

The communication, with accompanying documents, referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 16th, 1861. }

Mr. PRESIDENT:—The Assembly, on Tuesday, passed Senate Bill, No. 323, An Act for the protection of Harbors;

Also, Assembly Bill, No. 355, An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson;

Also, Assembly Bill, No. 447, An Act to authorize the Trustees of Petaluma to levy a Tax to refund certain Moneys paid by the late Trustees of said district;

Also, concurred in Senate Concurrent Resolution, No. 42, Relative to Warrants issued prior to eighteen hundred and fifty-seven—and appointed Messrs. Lippincott, Flanders, and Magruder, committee on the part of the House;

Also, laid on the table Senate Concurrent Resolution, No. 31, Relative to adjourning *sine die*;

Also, refused to concur in Senate amendments to Assembly Bill, No. 20, An Act to amend An Act approved April twenty-fourth, eighteen hundred and fifty-eight—and ask that the Senate recede therefrom;

Also, on the ninth instant, passed Assembly Bill, No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two;

Also, Assembly Bill, No. 322, An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes, approved April thirteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 226, An Act supplementary to an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory thereto, and to incorporate the City and County of Sacramento;

Also, Assembly Bill, No. 247, An Act to amend an Act entitled An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six;

Also, Assembly Bill, No. 108, An Act to amend an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-seven;

Also, on the tenth instant, passed Assembly Bill, No. 351, An Act to amend An Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty;

Also, on the twelfth instant, passed Assembly Bill, No. 297, An Act to fund the Indebtedness of Calaveras County, contracted prior to the eighteenth of March, eighteen hundred and fifty-seven, and a certain Indebtedness of Eight Thousand Dollars, contracted subsequent thereto, and to provide means for the payment of the same;

Also, Assembly Bill, No. 396, An Act granting to William Fitzpatrick, and his Associates, the right to construct a Railroad in Contra Costa County;

Also, Assembly Bill, No. 304, An Act to authorize the construction of a Wagon Road in the Cajon Pass, in the County of San Bernardino;

Also, this day, passed Assembly Bill, No. 448, An Act in relation to Sutter Creek, in the Town of Ione City and vicinity, and to define the Boundaries and width thereof.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 355, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 447, above reported—was read first and second times, and referred to the Senator from Sonoma.

Assembly Bill, No. 20, above reported—was considered, and on motion, the Senate receded from its amendments heretofore made thereto.

Assembly Bill, No. 337, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 322, above reported—was read first and second times, and referred to the Senator from Sonoma and Mendocino.

Assembly Bill, No. 226, above reported—was read first and second times, and referred to the delegation from Sacramento.

Assembly Bill, No. 247, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 108, above reported—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 351, above reported—was read first and second times, and referred to the Committee on Education.

Assembly Bill, No. 297, above reported—was read first and second times, and referred to the Calaveras Delegation.

Assembly Bill, No. 396, above reported—was read first and second times, and referred to the delegation from Contra Costa.

Assembly Bill, No. 304, above reported—was read first and second times, rules suspended, read a third time, and passed.

Assembly Bill, No. 448, above reported—was read first and second times, and referred to the Senator from Amador.

On motion of Mr. Phelps, Assembly Bill, No. 245, An Act to amend an Act entitled An Act to provide for the incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight—was taken up, read a third time by title, and passed.

#### INTRODUCTION OF BILLS.

Mr. Shafter, by leave, introduced a bill for An Act to amend An Act to regulate proceedings in Civil Cases.

Read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill for An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Ryan, by leave, introduced a bill for An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain Lands that have, or may hereafter be purchased by the United States in the State of California, and to vest the jurisdiction over the same in the United States for the purpose herein specified.

Read first and second times, and referred to the Judiciary Committee.

Mr. Warmcastle, by leave, introduced a bill for An Act to provide for including Contra Costa County within the Fourth Judicial District.

Read first and second times, and referred to the San Francisco and Contra Costa delegation.

Mr. Leet offered the following resolution :

*Resolved*, That a committee of three be appointed for the purpose of examining the copying account and report to the Senate the number of folios that has been copied, and the amount that has been paid for the same.

Adopted.

The Chair appointed as such committee, Messrs. Leet, Eagan, and Sharp.

Mr. Sharp, by leave, introduced a bill for An Act to provide for the transfer of Civil Actions from the District Court of the Twelfth Judicial District of the State of California in and for the City and County of San Francisco to the District Court of the Fourth Judicial District for trial.

Read first and second times, and referred to the Judiciary Committee.

Mr. Gallagher made the following report :

MR. PRESIDENT:—Your Committee on Mines and Mining Interests, to whom was referred the first annual report of the State Geologist—have had the same under consideration and we find that the Surveyor is actively engaged in the performance of the duties of his office as provided for by law. The wisdom of the policy inaugurated by the last Legislature of exploring our mountains in a scientific manner and informing ourselves of the resources which are possessed by our people, cannot be doubted.

The first step toward the development of the mineral wealth known to be hidden throughout our whole State, is to ascertain by intelligent examination as near as possible where the deposits of the different minerals and metals are, and what is their probable extent and value, by collecting an extensive cabinet of specimens the attention of our people and of the world will be turned to the opening of the best mines, and capital will not be concerned in making barren experiments.

Your committee being fully persuaded of the great importance of an

early completion of the geological survey of the mineral regions, have prepared a bill appropriating money to carry on the work. All of which is respectfully submitted.

P. A. GALLAGHER,  
Chairman.

Report received, bill read first and second times, and placed on file.

#### SPECIAL ORDER.

The Special Order being Senate substitute for Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—the same was called for by Mr. Ryan.

Mr. Leet arose to a point of order—That the hour set for the special order had passed, it therefore became a passed order, and could not be taken up except by a suspension of the rules, and that the hour of twelve having arrived, the General File, under the rules, was the order of business and took precedence of all other business, he therefore called for the General File.

The Chair ruled the point of order not well taken.

Mr. Leet appealed.

The Chair reversed its decision and ordered the General File to be taken up.

Mr. Burbank then moved to place the Pilot Bill above mentioned at the top of the file.

Upon which motion, the ayes and noes were demanded by Messrs. Watkins, Leet, and Dickinson, and taken, with the following result: Ayes, 18 noes, 11:

AYES—Messrs. Chase, Crittenden, Eagan, Edgerton, Gallagher, Haynes, Hill, Irwin, Merritt, Phelps, Ryan, Sharp, Thornton, Vance, Warmcastle, Watson, Watt, and Williamson—18.

NOES—Messrs. Burbank, Denver, Dickinson, Franklin, Heacock, Leet, Logan, Parks, Rhodes, Shafter, and Watkins—11.

So the motion was lost, the Chair ruling that it required a two-third's vote.

#### GENERAL FILE.

Senate Bill, No. 26, was taken up and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill, No. 219, An Act to repeal An Act to declare Feather River navigable, approved March fourteenth, eighteen hundred and fifty-one—was considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill, No. 240, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, and bill ordered to be engrossed and read a third time.

Senate Bill, No. 243—was rereferred to the Judiciary Committee.

Senate Bill, No. 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for the use of the County—

was taken up, rules suspended, bill considered engrossed, read a third time by title, and passed.

Senate substitute for Senate Bill, No. 139, An Act providing for the building of a Wharf at the foot of Howard Street—was taken up, and being considered, when Mr. Phelps moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded by Messrs. Phelps, Dickinson, and Shafter, and taken with the following result: Ayes, 18—noes, 8:

AYES—Messrs. Burbank, Chase, Clark, De Long, Dickinson, Franklin, Gallagher, Harvey, Heacock, Hill, Merritt, Parks, Phelps, Rhodes, Shafter, Thomas, Watson, and Watt—18.

NOES—Messrs. Denver, Eagan, Haynes, Irwin, Logan, Ryan, Thornton, and Williamson—8.

So the bill was indefinitely postponed.

Mr. Watson and Mr. Shafter arose and addressed the Chair.

The President recognized Mr. Watson.

Mr. Watson gave notice, that on to-morrow, he would move a reconsideration of the vote just had, by which the bill was indefinitely postponed.

Mr. Shafter appealed from the decision of the Chair, awarding the floor to Mr. Watson, claiming that he, himself, was first up.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, the ayes and noes were demanded by Messrs. De Long, Vance, and Watson, and taken with the following result: Ayes, 18—noes, 2:

AYES—Messrs. Chase, Clark, Denver, Franklin, Gallagher, Harvey, Haynes, Heacock, Irwin, Logan, Parks, Phelps, Ryan, Thornton, Vance, Warneastle, Watson, and Watt—18.

NOES—Messrs. De Long and Thomas—2.

So the Senate sustained the decision of the Chair, and awarded the floor to Mr. Watson.

Whereupon, Mr. Watson renewed his notice of a motion to reconsider, on to-morrow.

Senate Bill, No. 31, An Act to authorize Robert Haley to construct a Wharf at the foot of Union Street, in the City and County of San Francisco—was taken up.

Mr. Phelps moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded by Messrs. Watson, Ryan, and Phelps, and taken with the following result: Ayes, 16—noes, 7:

AYES—Messrs. Burbank, Chase, Clark, Dickinson, Franklin, Harvey, Heacock, Hill, Parks, Phelps, Rhodes, Shafter, Sharp, Thomas, Watson, and Watt—16.

NOES—Messrs. Denver, Haynes, Irwin, Logan, Ryan, Thornton, and Vance—7.

So the bill was indefinitely postponed.

Mr. Watson gave notice that, on to-morrow, he would move a reconsideration of the vote just had, by which the bill was indefinitely postponed.

On motion of Mr. Ryan, Senate substitute for Senate Bill, No. 86, was taken up, and placed next to top of file for to-morrow.

Mr. Thornton, by leave, introduced a bill for An Act for the Relief of the Sureties upon the recognizance of Mike Freel, of the County of Sierra.

Read first and second times, and referred to the Judiciary Committee.

Mr. De Long made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Assembly Bill, No. 425—having had the same under consideration, report the same back, and recommend its passage without amendment.

C. E. DE LONG,  
Chairman.

Report received, and with bill, placed on file.

Mr. Ryan moved to adjourn.

Upon which motion, the ayes and noes were demanded by Messrs. Dickinson, Burbank, and Thomas, and taken with the following result: Ayes, 16—noes, 15:

AYES—Messrs. Chase, Crittenden, De Long, Dickinson, Eagan, Franklin, Gallagher, Irwin, Logan, Parks, Ryan, Thornton, Vance, Watson, Watt, and Williamson—16.

NOES—Messrs. Burbank, Clark, Denver, Harvey, Haynes, Heacock, Hill, Leet, Merritt, Phelps, Rhodes, Shafter, Sharp, Thomas, and Warmcastle—15.

So the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, April 17th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Parks in the Chair.

Mr. De Long, from the Yuba Delegation, to whom was referred Assembly Bill, No. 31, An Act to authorize County Judges other than the County Judge of Yuba County to hold terms of the County Court, Court of Sessions, and Probate Court, in Yuba County—reported the same back verbally recommending its passage.

Report received, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Reported back without amendments, read a third time, and passed.

Mr. Phelps presented the petition Of Citizens of the City of San Francisco praying the passage of An Act changing the grade of Main and Beale Streets as provided for in a bill introduced by Mr. Sharp.

Read and referred to the San Francisco Delegation.

Mr. Rhodes presented the remonstrance Of citizens of Mono and Esmeralda Districts in this State protesting against the passage of An Act changing the Eastern Boundary of the State in conformity with the Organic Act of Nevada Territory.

Received, and referred to the Committee on Federal Relations.

Mr. Edgerton, from the Solano Delegation, to whom was referred Assembly Bills, Nos. 278 and 426—reported the same back verbally recommending their passage without amendment.

Report received, and bills placed on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

HOUSE OF ASSEMBLY,  
April 16th, 1861. }

Mr. PRESIDENT:—The Assembly has this day passed Senate Bill, No. 330, An Act amendatory of, and supplementary to, An Act entitled An Act in relation to Personal Mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots therein proper Certificates of Purchase and to manage the said Cemetery;

Also, Senate Bill, No. 156, an act entitled An Act to grant certain Wharf privileges to Paul Shirley, T. B. Storer, and their Assigns;

Also, on yesterday passed Senate Bill, No. 312, An Act to organize a Board of Supervisors in and for the County of Tehama and to district said County;

Also, Assembly Bill, No. 459, An Act to authorize R. M. Williams to remove certain Human Remains;

Also, Assembly Bill, No. 116, An Act in relation to the Militia of this State;

Also, this day, passed Assembly Bill, No. 455, An Act amendatory of An Act to amend An Act to exempt the Homestead and other Property from forced Sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty-one.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 451, above reported—was read first and second times, rules suspended, and bill further considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, read a third time, and passed.

Assembly Bill, No. 116, above reported—was read first and second times, and referred to the Committee on Military Affairs.

Assembly Bill, No. 459, above reported—was read first and second times, and referred to the Judiciary Committee.

Mr. Merritt made the following report :

Mr. PRESIDENT:—Your Committee on Engrossed Bills have examined



and found correctly engrossed Senate Bill, No. 219, An Act to repeal An Act to declare Feather River navigable, approved March fourteenth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a building for the use of the County;

Also, Senate Bill, No. 80, An Act to provide for the incorporation of Railroad Companies and the management of the affairs thereof and other matters relating thereto—correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Sharp made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate Bill, No. 62, An Act relative to the Clerk of the Supreme Court, Deputy, his Salary, and Fees of Office—having had the same under consideration report a substitute and recommend the passage of the substitute.

SHARP,  
Chairman.

Report received, and with bill, placed on file.

Mr. Sharp also made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills having had the same under consideration report as follows:

Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty—report a substitute for the same and recommend the passage of the substitute;

Also, Assembly Concurrent Resolution, No. 51, Relative to the Boundary Line between Honey Lake Valley and Nevada Territory—report a substitute and recommend the passage of the substitute;

Senate Bill, No. 265, An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co—and recommend its indefinite postponement;

Also, Senate Bill, No. 210, An Act in relation to the Probate Court in the City and County of San Francisco—report the same back with the accompanying amendments:

Section one, line ten, strike out all after the word "term."

Section two, strike out from commencement of the section down to and including the words "day in," and insert in lieu thereof the words "Monday of."

Section two, line three, after the word "week," insert the words "is hereby set apart."

Section four, line one, after the word "an," insert the words "acts and." Line one, strike out all after the words "acts and," and down to and including the word "inconsistent," and insert the words "so far as the same conflict"—and recommend its passage as amended;

Also, Assembly Bill, No. 366, An Act authorizing Rachel Bonds, Administratrix of the Estate of George H. Bonds, deceased, to sell the Real Estate of the late George H. Bonds at Public, or Private Sale—and recommend its passage;

Also, Senate Bill, No. 332, An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain Lands that have or may hereafter be purchased by the United States in the State of California, and to vest the jurisdiction over the same in the United States for the purpose herein specified—report the same back with the accompanying amendments:

Section three, line nineteen, strike out all after the word "coded," and down to and including in line twenty-three the word "land"—and recommend its passage as amended;

Also, Senate Bill, No. 279, An Act to regulate Appeals in this State—report the same back with the accompanying amendments:

Section one, lines six, seven, and eight, strike out the words, "As those cases were understood in the English system."

Section two, lines one and two, strike out the words, "Be it further enacted that."

Strike out section three, and insert words as follows:

"Sec. 3. That no appeal shall be dismissed for insufficiency of the notice of appeal, or undertaking thereon, provided that a good and sufficient undertaking, approved by a Judge of the Supreme Court, be filed in the Supreme Court before the hearing, upon motion to dismiss the appeal, and upon payment of such reasonable cost as the Court may adjudge; *provided*, that the respondent shall not be delayed, but may move, when the cause is regularly called, for the disposition or dismissal of the same, if such undertaking be not given."

Section four, lines one and two, strike out the words, "Be it further enacted"—and recommend its passage as amended;

Also, Assembly Bill, No. 429, An Act to authorize the Guardian of Francis William Paty to sell and convey certain Real Estate—and recommend its passage;

Also, Assembly Bill, No. 234, An Act to Fund the debt of the County of Solano, which accrued from and after the first day of May, A. D. eighteen hundred and fifty-four, to the first day of October, A. D. eighteen hundred and sixty-one, and to provide for the payment of the same—and recommend its indefinite postponement;

Also, Senate Bill, No. 333, An Act to provide for the transfer of Civil Actions from the District Court of the Twelfth Judicial District of the State of California, in and for the City and County of San Francisco, to the District Court of the Fourth Judicial District, for trial—and recommend its indefinite postponement;

Also, Senate Bill, No. 283, An Act to amend an Act entitled An Act to regulate proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one—and recommend its indefinite postponement.

SOL. A. SHARP,  
Chairman.

Report received, and bills placed on file.

On motion of Mr. Ryan, Assembly Bill, No. 332, An Act declaring the consent of the Legislature of the State of California, to the purchase, by the United States, of certain Lands that have, or may hereafter be, purchased by the United States, of California, and to vest the jurisdiction over the same in the United States, for the purpose herein specified—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

#### SPECIAL ORDERS.

The first special order being Assembly Bill, No. 252—was taken up, and on motion placed on top of the file.

The second special order being Senate Bill, No. 65—was taken up, and placed on top of the file.

Mr. Watson, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate Bill, No. 31, An Act to authorize Robert Haley to construct a Wharf at the foot of Union Street, in the City and County of San Francisco.

Mr. Leet moved to make the motion to reconsider the special order of the day for Friday, April nineteenth, at half past eleven o'clock.

Upon which motion, the ayes and noes were demanded, by Messrs. Ryan, Watson, and Irwin, and taken with the following result: Ayes, 11—noes, 16:

AYES—Messrs. Burbank, De Long, Denver, Harvey, Haynes, Leet, Logan, Shafter, Sharp, Warmcastle, and Vance—11.

NOES—Messrs. Eagan, Edgerton, Franklin, Heacock, Hill, Irwin, Merritt, Parks, Phelps, Rhodes, Ryan, Thornton, Watkins, Watson, Watt, and Williamson—16.

So the motion was lost.

The question recurring on the motion to reconsider, the ayes and noes were demanded, by Messrs. Phelps, Clark, and Heacock, and taken with the following result: Ayes, 16—noes, 10:

AYES—Messrs. De Long, Denver, Eagan, Edgerton, Franklin, Harvey, Haynes, Irwin, Logan, Ryan, Thornton, Vance, Warmcastle, Watkins, Watson, and Williamson—16.

NOES—Messrs. Burbank, Clark, Dickinson, Heacock, Merritt, Parks, Phelps, Rhodes, Shafter, and Sharp—10.

So the motion prevailed, and the vote was reconsidered.

Mr. Logan moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate Bill, No. 139, An Act providing for the building of a Wharf at the foot of Howard Street

Upon which motion, the ayes and noes were demanded, by Messrs. Burbank, Phelps, and Vance, and taken with the following result: Ayes, 9—noes, 16:

AYES—Messrs. De Long, Denver, Eagan, Haynes, Irwin, Logan, Ryan, Thornton, and Watkins—9.

NOES—Messrs. Burbank, Chase, Clark, Dickinson, Franklin, Harvey, Heacock, Hill, Parks, Phelps, Rhodes, Shafter, Sharp, Thomas, Watt, and Vance—16.

So the motion was lost, and the Senate refused to reconsider.

#### GENERAL FILE.

Assembly Bill, No. 252, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, read a third time, and passed. Senate Bill, No. 65, An Act to fix and regulate the Fees and Salary of Officers in the City and County of San Francisco—was taken up, and made the special order of the day for Thursday, April eighteenth, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

President *pro tem.* in the Chair.

Senate Bill, No. 321, An Act relating to the War Debt of this State—

was taken up, considered in Committee of the Whole, substitute adopted, and amended.

#### IN SENATE.

Mr. Parks moved to reconsider the vote by which the substitute was adopted.

Upon which motion, the ayes and noes were demanded, by Messrs. Watt, Merritt, and Parks, and taken with the following result: Ayes, 14—noes, 13:

AYES—Messrs. Burbank, Crittenden, Dickinson, Gallagher, Heacock, Parks, Phelps, Rhodes, Shafter, Sharp, Thomas, Thornton, Watt, and Williamson—14.

NOES—Messrs. Chase, Clark, Denver, Franklin, Haynes, Irwin, Leet, Logan, Merritt, Vance, Warmcastle, Watkins, and Watson—13.

So the motion prevailed, and the vote was reconsidered.

Pending the further action on the bill, Mr. Clark moved to adjourn.

Upon which motion, the ayes and noes were demanded, by Messrs. Dickinson, Merritt, and Burbank, and taken with the following result: Ayes, 18—noes, 11:

AYES—Messrs. Burbank, Chase, Clark, Crittenden, De Long, Denver, Dickinson, Franklin, Heacock, Parks, Phelps, Sharp, Thomas, Thornton, Watkins, Watson, Watt, and Williamson—18.

NOES—Messrs. Eagan, Gallagher, Haynes, Irwin, Logan, Merritt, Rhodes, Ryan, Shafter, Vance, and Warmcastle—11.

So the motion prevailed, and the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Thursday, April 18th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Burbank presented the petition Of Ship Owners, and others, engaged in the Coasting Trade between San Francisco and the ports in Oregon and Washington Territory, protesting against the passage of the Pilot Law now before the Legislature, etc.

Received, and with bill, placed on file.

On motion of Mr. De Long, the Broderick Expunging Resolutions were taken up from the unfinished business, and made the special order of the day for Friday, April nineteenth, at half past eleven o'clock, A. M.

#### REPORTS.

Mr. PRESIDENT :—The Committee on Enrolled Bills have examined, and

report as correctly enrolled, Senate Bill, No. 275, An Act for the preservation and protection of Trout;

Also, Senate Bill, No. 239, An Act to amend an Act passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos;

Also, Senate Bill, No. 293, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Mono;

Also, Senate Concurrent Resolution, No. 40, Relative to granting leave of absence to the County Judge of Santa Barbara County;

Also, Senate Bill, No. 291, An Act to fix the terms of the District Court in the County of Mono;

Also, Senate Bill, No. 264, An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of Turnpike Roads;

Also, Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State;

Also, Senate Bill, No. 174, An Act to authorize the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes;

Also, Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Association, of the County of Contra Costa, to sell or mortgage the Real Estate, or other Property, belonging to the Association, for certain purposes;

Also, Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Senate Bill, No. 192, An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County;

Also, Senate Bill, No. 173, An Act appropriating Moncoys for the benefit of the Home for the care of the Inebriates in the City and County of San Francisco;

Also, Senate Bill, No. 71, An Act for the relief of John G. Carey, Treasurer of Klamath County;

Also, Senate Bill, No. 86, An Act to audit and allow the Claim of John Herzo, Assignee;

Also, Senate Concurrent Resolution, No. 39, Relative to the Attorney-General;

Also, Senate Concurrent Resolution, No. 28, Relative to granting leave of absence to Thomas A. Brown, County Judge of Contra Costa County, for four months;

Also, Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada;

Also, Senate Bill, No. 269, An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River;

Also, Senate Bill, No. 330, entitled An Act amendatory of, and supplementary to, an Act entitled An Act in relation to Personal Mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 156, an act entitled An Act to grant certain Wharf privileges to Paul Shirley, T. B. Storer, and their Assigns;

Also, Senate Bill, No. 160—and have presented the same to his Excellency the Governor for his approval.

WILLIAMSON,  
Of the Committee.

Report accepted.

Mr. Harvey made the following report:

Mr. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate Bill, No. 253, An Act to confirm the sale made by the State Board of Land Commissioners to Land sold by them in the City and County of Can Francisco—have had the same under consideration, and believing that there are features in the bill requiring judicial investigation, would report the same back, and recommend that it be referred to the Judiciary Committee.

O. HARVEY,  
Chairman.

Report adopted, and bill referred to the Judiciary Committee.

Mr. Watkins, made the following report :

Mr. PRESIDENT:—The Committee on Claims, to whom was referred the claim of Placer County, for costs incurred in the trial of Henry Bates, State Treasurer—have had the same under consideration, and report the same back, with the accompanying bill, and recommend the passage of the bill ;

Also, Assembly Bill, No. 137, Claim of B. F. Hastings. Assignee of John O'Meara, for printing transactions of the State Agricultural Society for the year eighteen hundred and fifty-nine—report the same back, and recommend the passage of the bill ;

Also, Assembly Bill, No. 336, Claim of T. R. Eldridge, for translating the Spanish Laws of eighteen hundred and fifty-nine—report the same back, and recommend the passage of the bill ;

Also, Assembly Bill, No. 355, Claim of Barney Clark, Assignee of J. M. Anderson, for Copying done for the Eleventh Session of the Assembly—report the same back, and recommend the passage of the bill ;

Also, Senate Bill, No. 221, Claim of A. R. Meloney, late State Controller—report the same back, and recommend the passage of the bill ;

Also, the Claim of Phil. Caduc, for Coal furnished the Supreme Court, and other Offices ;

Also, the Claim of Z. L. Garwood, for Rent of Senate Committee Rooms—report the same back, with the accompanying bill, and recommend the passage of the bill.

WATKINS,  
Chairman.

An Act to provide for the payment of certain Claims, above reported—was read first and second times, and placed on file.

An Act to provide for the payment of Costs incurred and paid by Placer County in the trial of Henry Bates, late State Treasurer—was read first and second times, and placed on the top of the file for to-morrow.

Mr. Ryan made the following report :

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 206, An Act amendatory of, and supplemental to, an Act passed March twenty-sixth, A. D. eighteen hundred and fifty-one, entitled An Act to provide for the disposition of certain Property of the State of California ;

Also, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—have had the same under consideration, and report them back, recommending their indefinite postponement.

JAS. T. RYAN,  
Chairman.

Report received, and with bills, placed on file.

Mr. Ryan made the following report :

MR. PRESIDENT :—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 241, An Act relating to a Sea-Wall in the City and County of San Francisco—have had the same under consideration, and report it back, with the recommendation that it do not pass.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Parks made the following report :

MR. PRESIDENT :—Your Committee on Swamp and Overflowed Lands have had under consideration Assembly Bill, No. 54, An Act for the reclamation of the Swamp and Overflowed Lands of this State—and beg leave to report it back, with an amendment, and recommend its passage as amended.

W. H. PARKS,  
For Committee.

Report received, and with bill, placed on file for to-morrow.

Mr. Watson, by leave, introduced a bill for An Act concerning the Boundary between the State of California and Nevada Territory.

Read first and second times, and made the special order for Tuesday next, at half past eleven o'clock, A. M.

Mr. Clark made the following report :

MR. PRESIDENT :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 258, and Senate Bill, No. 212—having had the same under consideration, report them back, and recommend that they be indefinitely postponed ;

Also, Assembly Bill, No. 226—and recommend its passage ;

Also, Senate Bill, No. 103—and report the same back, with amendments, and recommend the passage of the bill as amended.

CLARK,  
HEACOCK,  
For the Delegation.

Report received, and with bills, placed on file.

Mr. Pico made the following report :

MR. PRESIDENT :—Your Committee on Military Affairs, to whom was referred Assembly Bill, No. 116, An Act in relation to the Militia of this State—have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

A. PICO,  
WATKINS,  
CLARK,  
HEACOCK.

Report received, and with bill, placed third on the file for to-morrow.

Mr. Dickinson made the following report :

MR. PRESIDENT :—The Committee on Counties and County Boundaries, have examined Assembly Bill, No. 313, An Act to define the Boundaries and provide for the Organization of Lake County—and report the bill to the Senate, with a recommendation that it pass without amendment.

DICKINSON,  
Chairman.

Report received, and with bill, placed on file.

Mr. Gallagher made the following report :

Mr. PRESIDENT :—The Calaveras Delegation, to whom was referred Assembly Bill, No. 297—have had the same under consideration, and report the same back, with the recommendation that it pass.

GALLAGHER,

For the Delegation.

Report received, and with bill, placed on file.

Mr. Warmcastle made the following report :

Mr. PRESIDENT :—The undersigned, to whom was referred Assembly Bill, No. 344—have had the same under consideration, and report it back, with an amendment, and recommend its passage ;

Also, have had under consideration Assembly Bill, No. 396—and report it back, with an amendment, and recommend its passage.

WARMCASTLE,

Of the Delegation.

Report received, and with bill, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT :—Your Committee on engrossed Bills have examined Senate Bill, No. 240, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate Bill, No. 332, An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of Lands that have, or may hereafter, be purchased by the United States in the State of California, and to vest the jurisdiction over the same in the United States for the purpose herein specified—and report the same correctly engrossed.

MERRITT,

Chairman.

Report accepted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

April 17th, 1861. }

Mr. PRESIDENT :—The House, on yesterday, passed Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto ;

Also, Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—with amendments to each, and ask the concurrence of the Senate ;

Also, Senate substitute for Assembly Bill, No. 320, An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty ;

Also, Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the Outstanding Indebtedness of Contra Costa County, approved April third, eighteen hundred and fifty-eight ;

Also, Assembly Bill, No. 53, An Act to repeal an Act entitled An Act to prohibit the collection of Accounts for Liquors sold at retail ;

Also, Assembly Bill, No. 423, An Act supplementary to an Act entitled An Act concerning Hogs found running at large in the Counties of Marin,



Sacramento, San Francisco, Alameda, Stanislaus, and Yuba, passed April twenty-first, eighteen hundred and fifty-six;

Also, Assembly Bill, No. 446, An Act concerning Records of Fees and Duties of certain Officers in the County of Contra Costa;

Also, Assembly Bill, No. 452, An Act to amend An Act concerning the Government of the City of Marysville, approved March tenth, eighteen hundred and sixty;

Also, adopted Assembly Concurrent Resolution, No. 42, Relative to the donation of certain Lands for the use of Indians in Los Angeles County—and ask the concurrence of the Senate;

Also, passed Assembly Bill, No. 254, An Act amendatory of An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States;

Also, this day, passed Assembly Bill, No. 249, An Act to change the name of Henrich Wilhelm Christian Steghagen to Henry Hagen;

Also, Assembly Bill, No. 279, An Act to change the name of Henry Nathan to Henry Chester;

Also, concurred in Senate amendments to Assembly Bill, No. 245, An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight;

And the House requests the return by the Senate of Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County remaining in the General Fund to the Contingent Fund, which bill was transmitted to the Senate by mistake.

J. W. SCOBEE;  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 90, above reported—was considered, and Assembly amendments thereto concurred in.

Senate Bill, No. 73, above reported—was considered, and the Senate refused to concur in Assembly amendments made thereto;

Assembly Bill, No. 53, above reported—was read first and second times, and referred to the Committee on Public Morals;

Assembly Bill, No. 423, above reported—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 446, above reported—was read first and second times, and referred to the delegation from Contra Costa.

Assembly Bill, No. 452, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, read a third time, and passed.

Assembly Concurrent Resolution, No. 42, above reported—was read and referred to the Senator from Los Angeles.

Mr. Shafter in the Chair.

Assembly Bill, No. 249, above reported—was read first and second times, and placed on file.

Assembly Bill, No. 279, above reported—was read first and second times, and placed on file.

Assembly Bill, No. 254, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendment, and read a third time.

Mr. Vance moved to refer to a Special Committee of three, with special instructions to strike out the words "thirty months," wherever they occur, and insert "twenty-four months."

Mr. Leet moved to amend the instruction as proposed by striking out "twenty-four months," and inserting the words "twenty-one months."

Mr. Merritt moved to add to the special instructions the following:

Amend by striking out in line first "one hundred," and insert "sixty."

Strike out the words "and to the company," etc. down to the word "provided," of the first proviso.

Strike out the words "or lines," in the first proviso.

Strike out the "second proviso."

Insert as first section of the bill the "first section of the Act of April twenty-seventh, eighteen hundred and sixty, with the amendments, so as to read "sixty thousand," instead of "one hundred thousand dollars;" also, to amend so as to refer only to one line.

Mr. Clark called for the previous question.

Sustained.

The question being, Shall the main question be now put?

Carried.

The question then being on the amendment offered by Mr. Leet to the instructions offered by Mr. Vance, the ayes and noes were demanded, by Messrs. De Long, Leet, and Vance, and taken with the following result: Ayes, 13—noes, 16:

AYES—Messrs. Burbank, Crittenden, Denver, Dickinson, Eagan, Franklin, Haynes, Hill, Leet, Logan, Warmcastle, Watson, and Williamson—13.

NOES—Messrs. Clark, De Long, Harvey, Heacock, Irwin, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, and Watt—16.

So the motion was lost.

The next question being on the amendment of Mr. Vance, the ayes and noes were demanded, by Messrs. Leet, Vance, and De Long, and taken with the following result: Ayes, 19—noes, 10:

AYES—Messrs. Burbank, Clark, Crittenden, De Long, Denver, Harvey, Haynes, Heacock, Hill, Leet, Logan, Parks, Phelps, Pico, Rhodes, Shafter, Thomas, Vance, and Watt—19.

NOES—Messrs. Dickinson, Eagan, Franklin, Irwin, Merritt, Ryan, Sharp, Warmcastle, Watson, and Williamson—10.

So the instruction was adopted.

The additional instructions offered by Mr. Merritt were then adopted.

The question recurring on the motion to refer to a Select Committee, was put and carried.

So the bill was referred to a Special Committee of three, with the special instructions above enumerated.

The Chair appointed as such committee, Messrs. Vance, De Long, and Merritt.

#### INTRODUCTION OF BILLS.

Mr. De la Guerra, by leave, introduced a bill for An Act to authorize William T. Wallace to sell certain Real Estate of his Infant Children.

Read first and second times, and referred to the Judiciary Committee.

Mr. Clark, by leave, introduced a bill for An Act making an appropriation for the payment of D. J. Snyder, for Services rendered by him.

Read first and second times, and referred to the Committee on Claims.

Mr. Thornton, by leave, introduced a bill for An Act to provide for the purchase of a Statue from Hiram Powers.

On motion of Mr. Clark, the report of the Committee of Free Conference on Assembly Bill, No. 36, as reported to the Senate on the thirteenth instant—was taken up, and adopted.

On motion of Mr. Leet, Mr. Parks was added to the committee of three, appointed a few days since to examine and report the amount of copying done for the Senate this session.

#### GENERAL FILE.

Senate Bill, No. 231, An Act relating to the War Debt of this State—was taken up.

The question being on the adoption of the substitute heretofore offered to the bill, Mr. Parks moved to amend the substitute before its adoption.

Mr. Chase arose to a point of order—that it was not in order to amend the substitute until it had been adopted by the Senate.

The Chair ruled the point of order well taken.

Mr. Parks appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate, the ayes and noes were demanded, by Messrs. Harvey, Dickinson, and Parks, and taken with the following result: Ayes, 17—noes, 7 :

AYES—Messrs. Chase, Clark, Denver, Eagan, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Merritt, Thornton, Vance, Warmcastle, Watkins, and Watson—17.

NOES—Messrs. Dickinson, Gallagher, Parks, Rhodes, Thomas, Watt, and Williamson—7.

So the ruling of the Chair was sustained.

The substitute was then adopted, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, except the one striking out "fifteen thousand dollars," and inserting "nine thousand."

The question being on concurring in the excepted amendment, the ayes and noes were demanded, by Messrs. Merritt, Dickinson, and Leet, and taken with the following result: Ayes, 14—noes, 10 :

AYES—Messrs. Burbank, Clark, Dickinson, Eagan, Franklin, Harvey, Hill, Parks, Phelps, Pico, Shafter, Thomas, Thornton, and Warmcastle—14.

NOES—Messrs. Chase, Crittenden, De Long, Denver, Haynes, Leet, Logan, Merritt, Ryan, and Watson—10.

So the amendment was concurred in.

Rules suspended, and bill considered engrossed.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Dickinson, Chase, and Merritt, and taken with the following result: Ayes, 18—noes, 4 :

AYES—Messrs. Burbank, Chase, Clark, Crittenden, De Long, Denver, Eagan, Franklin, Haynes, Irwin, Leet, Logan, Merritt, Ryan, Thomas, Thornton, Warmcastle, and Watson—18.

NOES—Messrs. Dickinson, Harvey, Parks, and Shafter—4.

So the bill passed.

On motion of Mr. Merritt, the Select Committee, to whom was heretofore referred Senate Bill, No. 60, An Act to provide for the payment of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty six—were directed to report the same to the Senate on or before Wednesday next, April twenty-fourth.

On motion of Mr. Harvey, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, April 19th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

### PETITIONS.

Mr. Thornton presented the petition Of Citizens of Sierra County, praying for the passage of the Military Act now before the Senate.

Read and referred to the Committee on Military Affairs.

Mr. Thornton also presented the petition Of Citizens of Nevada Territory, praying for the passage of an Act confirming the Eastern Boundary Line of this State, as provided for by Act of Congress.

Received, and referred to the Committee on Federal Relations.

On motion of Mr. Vance, leave of absence was granted to Mr. Sharp for four days.

### INTRODUCTION OF BILLS.

Mr. Gallagher, by leave, introduced a bill for An Act to regulate the Fees of certain Officers in Calaveras County.

Read first and second times, and placed on file.

Mr. Burbank, by leave, introduced a bill for An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to relinquish and grant all the right and claims of said City and County to certain Lands.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Shafter, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 170—reported the same back verbally, recommending the adoption of certain amendments reported therewith, and the passage of the bill when so amended.

Report received, and bill placed on file.

### REPORTS.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to

whom was referred Senate Bill, No. 288, An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—have had the same under consideration, and report it back, with certain amendments, recommending its passage as amended.

RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Phelps gave notice that he would, at an early day, make a minority report.

Mr. Leet made the following report :

Mr. PRESIDENT :—The Library Committee, to whom was referred Assembly Bill, No. 160—have had it under consideration, and ask leave to report it back, with an amendment, and recommend its passage when so amended.

LEET,  
Chairman.

Report received, and with bill, placed on file.

Mr. Vance made the following report :

Mr. PRESIDENT :—The Select Committee, to whom was referred Assembly Bill, No. —, An Act to amend an Act entitled An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States, passed April twenty-seventh, eighteen hundred and sixty—with special instructions, have had said bill before them, and amended the same, according to the instructions of the Senate, and report said bill back, as amended, for the consideration of the Senate.

J. M. VANCE,  
Chairman.  
C. E. DE LONG,  
SAML. A MERRITT.

Report received, rules suspended, and bill considered.

The question being on the adoption of the amendments reported by the Special Committee, was put and carried.

Mr. Phelps moved to reconsider the vote by which the amendments were adopted.

Lost.

The bill was then passed as amended.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 17th, 1861.

*To the Honorable the Senate of California :*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty ;

Also, Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada ;

Also, Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Association, of the County of Contra Costa, to sell, or mortgage Real Estate, or other Personal Property, relating to the Association, for certain purposes ;

Also, Senate Bill, No. 275, An Act for the preservation and protection of Trout ;

Also, Senate Bill, No. 239, An Act to amend an Act passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos ;

Also, Senate Bill, No. 86, An Act to audit and allow the Claim of John Herzo, Assignee ;

Also, Senate Bill, No. 192, An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County ;

Also, Senate Bill, No. 271, An Act for the relief of John T. Carey, Treasurer of Klamath County ;

Also, Senate Bill, No. 252, An Act for the relief of the Clerk of the Board of Supervisors of Sacramento City and County.

JOHN G. DOWNEY,  
Governor.

On motion of Mr. De Long, the Broderick Expunging Resolutions were taken up, and made the special order of the day for Friday, April twenty-sixth, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

On motion of Mr. Shafter, the Union Resolutions were taken up, and made the special order of the day for Friday next, April twenty-sixth, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

On motion of Mr. Phelps, Senate substitute for Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back.

Mr. Ryan moved to concur in amendments made in Committee of the Whole, except the proviso to section six.

Agreed to.

The question recurring on the adoption of the proviso to section six, the ayes and noes were demanded, by Messrs. Ryan, Watson, and Phelps, and taken with the following result : Ayes, 12—noes, 10 :

AYES—Messrs. Burbank, Clark, De Long, Harvey, Heacock, Leet, Merritt, Phelps, Shafter, Thomas, Vance, and Warmcastle—12.

NOES—Messrs. Chase, Crittenden, Eagan, Gallagher, Haynes, Logan, Ryan, Thornton, Watson, and Williamson—10.

So the amendment was concurred in.

The bill was then ordered to be engrossed, read a third time, and placed at the head of the file for Wednesday next. April twenty-fourth.

On motion of Mr. Parks, Senate Bill, No. 305, An Act appropriating Money for the completion of the building of the State Reform School, and for other purposes connected therewith—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Merritt, by leave, introduced a bill for An Act to provide for the Painting of a Picture for the State of California.

Read first and second times, and placed on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 18th, 1861. }

Mr. PRESIDENT:—On the eighth instant, the House passed Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last will and testament of Edmund H. Hall, deceased, and to authorize her as such Executrix to sell and convey Real and Personal property;

Also, on the ninth instant, Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin;

Also, Assembly Bill, No. 394, An Act concerning Hogs running at large in the Counties of Contra Costa and Monterey between the first day of June and the fifteenth day of October in each year;

Also, Assembly Bill, No. 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road purposes in said County for the year eighteen hundred and sixty-one;

Also, on the thirteenth instant, Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies;

Also, on yesterday, passed Senate Bill, No. 21, An Act to audit and allow the claim of Peyton, Duer, Lake, and Ross, or their assigns, with amendments;

Also, Senate Bill, No. 67, An Act to authorize the Treasurer of State to issue Bonds;

Also, Assembly Bill, No. 315, An Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at private sale;

Also, Senate Bill, No. 154, An Act entitled An Act in relation to the Water-Front adjacent to Block Number Nine in the City and County of San Francisco, with amendments, in which the concurrence of the Senate is requested;

Also, on this day passed Assembly Bill, No. 414, An Act to prescribe the duties and provide for the compensation of the several Officers of the County of Butte;

Also, adopted and ratified the accompanying proposed Amendments to the Constitution of the United States;

The House this day passed Assembly Bill, No. 381, An Act for the relief of John Duane;

Also, on yesterday, Assembly Bill, No. 332, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento;

Also, Assembly Bill, No. 417, An Act concerning certain Street Assessments in the City of Sacramento;

Also, Assembly Bill, No. 461, An Act to condemn certain Streets and Alleys for the use of the California State Agricultural Society;

Also, Senate Bill, No. 325, An Act making an appropriation for Deficiencies for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one;

Also, on the sixteenth instant, passed Assembly Bill, No. 401, An Act to authorize Davis D. Reeve and John B. Lemon to build a Wharf at Suisun City in Solano County;

Also, Assembly Bill, No. 456, An Act concerning Fees in certain Counties;

Also, on the eighteenth instant, Assembly Bill, No. 136, An Act for the

relief of John Bell for services rendered in the Humboldt and Klamath Indian War;

Also, this day passed Senate Bill, No. 262, An Act to appropriate Money to pay the claim of E. J. Saunders and others;

Also, Senate Bill, No. 298, An Act to authorize Giles Bewel to remove the Remains of deceased persons in the Town of Michigan Bluff, Placer County.

J. W. SCOBAY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 360, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 406, above reported—was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill, No. 394, above reported—was read first and second times, and referred to the Senator from Santa Cruz.

Assembly Bill, No. 347, above reported—was read first and second times, and referred to the Senator from Contra Costa.

Assembly Bill, No. 393, above reported—was read first and second times, and referred to the Committee on Agriculture.

Senate Bill, No. 21, above reported—was considered, and Assembly amendments thereto concurred in.

Senate Bill, No. 154, above reported—was taken up, and Assembly amendments thereto concurred in.

Assembly Bill, No. 315, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 414, above reported—was read first and second times, rules further suspended, bill read a third time by title, and passed.

Assembly Bill, No. 381, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 332—above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 332, above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 417, above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 461, above reported—was read first and second times, rules suspended, bill read a third time, and passed.

Assembly Bill, No. 401, above reported—was read first and second times, and referred to the Solano Delegation.

Assembly Bill, No. 456, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 136, above reported—was read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

The amendments to the Constitution of the United State, above reported—was read and made the special order of the day for Wednesday, April twenty-fourth, at twelve o'clock, M.

#### INTRODUCTION OF BILLS.

Mr. Clark, by leave, introduced a bill for An Act to declare the time when a certain Act shall take effect.



Read first and second times, rules further suspended, bill considered engrossed, read a third time by title, and passed.

Mr. Watson, by leave, introduced a bill for An Act to provide for the construction of a Wharf in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Watson, also, by leave, introduced a bill for Act to provide for the construction of a Wharf in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 321, An Act relating to the War Debt of this State—and report the same correctly engrossed.

SAMUEL A. MERRITT,  
Chairman.

#### COMMUNICATION FROM SERGEANT-AT-ARMS.

The following communication was received from the Sergeant-at-Arms :

*To the honorable the President and Senate :*

In accordance with the provisions of an act entitled An Act to appropriate Money for Postage and Express purposes during the present Session of the Legislature, passed February sixth, eighteen hundred and sixty-one—I herewith report that I have drawn from the fund appropriated nine hundred and twenty-five dollars, of which I have furnished each Senator, Secretary of the Senate, and Sergeant-at-Arms Department, twenty-five dollars, being the amount allowed by law.

Respectfully submitted.

W. F. WILLIAMSON,  
Sergeant-at-Arms Senate.

April 19th, 1861.

#### GENERAL FILE.

Senate Bill, No. 332, An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain Lands that have, or may hereafter be purchased by the United States of California, and to vest the jurisdiction over the same in the United States for the purchase herein specified—was read a third time, and passed.

On motion of Mr. Phelps, the rules were suspended and Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

On motion of Mr. Rhodes, the rules were suspended, and Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Shafter moved that when the Senate does adjourn it adjourn to meet on Monday, April twenty-second, eighteen hundred and sixty-one.

Agreed to.

On motion of Mr. Warmcastle, Assembly Bill, No. 396, An Act granting to William Fitzpatrick and his Associates, the right to construct a Railroad in Contra Costa County—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Senate Bill, No. 240, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was read a third time, and passed.

Senate Bill, No. 337, An Act to provide for the payment of Costs incurred and paid by Placer County in the trial of H. Bates, late State Treasurer—was taken up, considered in Committee of the Whole, and substitute adopted.

IN SENATE.

Rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Heacock, Assembly Bill, No. 226, An Act supplementary to an Act, passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento—was taken up, read a third time by title, and passed.

On motion of Mr. Parks, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Mouday, April 22d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

Mr. Gallagher moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Burbank, Chase, Crittenden, De Long, Denver, Dickinson, Edgerton, Harvey, Merritt, Phelps, Shafter, Sharp, Thomas, Thornton, Vance, Watkins, Watson, Watt, and Williamson.

On motion of Mr. Ryan, leave of absence was granted to Mr. Merritt for one day.

On motion of Mr. Logan, indefinite leave of absence was granted to Mr. De Long.

Mr. Dickinson and Mr. Denver appearing at the Bar of the Senate, were admitted and excused.

On motion of Mr. Leet, further proceedings under the call were dispensed with.

Quorum present.

Journal of Friday, April nineteenth, read and approved.

#### REPORTS.

Mr. Hill made the following report :

Mr. PRESIDENT :—The delegation to whom was referred Assembly Bill, No. 322, entitled An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes—report the same back, and recommend its passage ;

Also, Assembly Bill, No. 447, entitled An Act to authorize the Trustees of Petaluma to levy a Tax to refund certain Moneys paid by the late Trustees of said District—and recommend its passage.

HILL.

On motion, the rules were suspended, and Assembly Bill, No. 322, above reported—was read a third time by title, and passed.

Assembly Bill, No. 447, above reported—was also read a third time by title, and passed.

Mr. Clark made the following report :

Mr. PRESIDENT :—The Sacramento Delegation having had under consideration Assembly Bill, No. 332—report the same back with amendments, and recommend its passage.

CLARK,  
HEACOCK.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Clark also made the following report :

Mr. PRESIDENT :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 417—having had the same under consideration, report the same back, and recommend its passage.

CLARK,  
HEACOCK.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Watson made a verbal report, on Assembly Bill, No. 394, An Act concerning Hogs running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October, in each year—recommending the passage of the bill.

Rules suspended, bill read a third time by title, and passed.

Mr. Heacock made the following report :

Mr. PRESIDENT :—The Sacramento Delegation having had Assembly Bill, No. 265, under consideration—report the same back, recommending its passage.

CLARK,  
HEACOCK.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Eagan made the following report :

MR. PRESIDENT:—The Amador Delegation, to whom was referred Assembly Bill, No. 448, entitled An Act in relation to Sutter Creek, in the Town of Ione City and vicinity, and define the Boundaries and width thereof—have considered the same, and report it back, and recommend its passage.

EAGAN,  
Of Delegation.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Warmcastle made the following report :

MR. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road purposes, in said County, for the year eighteen hundred and sixty-one—report the same back with an amendment, and recommend its passage.

WARMCASTLE,  
Of Delegation.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 19th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 173, An Act appropriating Moneys for the benefit of the Home for the Care of Inebriates in the City and County of San Francisco ;

Also, Senate Bill, No. 174, An Act to authorize the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes ;

Also, Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State ;

Also, Senate Bill, No. 330, An Act amendatory of, and supplementary to, An Act in relation to Personal Mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven ;

Also, Senate Bill, No. 156, an Act entitled An Act to grant certain Wharf privileges to Paul Shirley and T. B. Storer, and their Assigns ;

Also, Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to take and subscribe Three Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 22d, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 269, An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River;

Also, Senate Bill, No. 264, An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the Right of Way for the construction of Turnpike Roads.

JOHN G. DOWNEY,  
 Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
 April 22d, 1861. }

Mr. PRESIDENT:—The Assembly, on April seventeenth, eighteen hundred and sixty-one, passed Assembly Bill, No. 430, An Act supplemental to An Act to establish a standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one.

J. M. ANDERSON,  
 Clerk.

Assembly Bill, No. 430, above reported—was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Warmcastle, Senate Bill, No. 181, An Act in relation to the entry of Lands in certain cases—was taken from the table, and Assembly amendments heretofore made thereto, concurred in.

Mr. Rhodes, by leave, introduced a bill for An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court-House.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

On motion of Mr. Eagan, Assembly Bill, No. 116, An Act in relation to the Military of the State, was taken up, and ordered printed.

Mr. Clark in the Chair.

Mr. De la Guerra, by leave, introduced a bill for An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Dickinson asked and obtained leave of absence for himself for the day.

On motion, Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

On motion of Mr. Rhodes, the Secretary was directed to select from

the general file all the local bills, and arrange them in the order of their date on the file, that they might be considered in preference to all other bills on the file.

Mr. De la Guerra, by leave, introduced a bill without notice, An Act to grant Guillermo Carrillo, and his Assigns, the right to supply the inhabitants of the Town of Santa Barbara with Fresh Water.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

#### GENERAL FILE.

Assembly Bill, No. 425, An Act to amend an Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April twenty-fourth, A. D. eighteen hundred and fifty-eight—was taken up, read a third time by title, and passed.

Senate Bill, No. 193, An Act for the relief of Edward L. Green, former Sheriff of Sonoma County—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Assembly Bill, No. 300, An Act to change the name of Juan A. Suñiga, to that of Alfred J. Hermozilla—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendment concurred in, read a third time, and passed.

On motion, the Secretary was directed to amend the title of the bill so as to correspond with the amendment made to the bill.

Assembly Bill, No. 260, An Act to Incorporate the City of Santa Clara, and to repeal certain Acts—was considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 386, An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery—was read a third time, and passed.

Assembly Bill, No. 223, An Act to separate the Office of County Recorder from the Office of County Clerk of the County of Solano—was taken up, read a third time by title, and passed.

Assembly Bill, No. 302, An Act relative to Estrays—was taken from the file, and referred to the Senator from Santa Cruz.

Assembly Bill, No. 144, An Act prescribing a certain duty of the Auditor of the City and County of Sacramento—was taken up, read a third time by title, and passed.

Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farren—was read a third time by title, and passed.

Mr. Harvey gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill, No. 103, was passed.

Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one—was considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

Mr. Denver moved a call of the Senate.

Lost.

Mr. Leet moved to adjourn.

Lost.

## GENERAL FILE, RESUMED.

Assembly Bill, No. 139, An Act to provide for the Collection of Delinquent Taxes in the City of Oakland—was read a third time, and passed.

Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland—was considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, amendments adopted, read third time, and passed.

Senate Bill, No. 343, An Act to regulate the Fees of certain Officers in Calaveras County—was considered engrossed, read a third time, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts—was read third time by title, and passed.

Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Calaveras River, at, or near, Fort Yuma, to certain parties therein named—was read a third time by title, and passed.

Mr. Parks in the Chair.

Senate Bill, No. 149, An Act making appropriations for Deficiencies in the appropriations made for the Twelfth Fiscal Year, ending the thirtieth day of June, eighteen hundred and sixty-one—was considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, amendments concurred in, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 255, An Act to appropriate Money for the salary of the Clerk of the Superintendent of Public Instruction, for the twelfth fiscal year—was considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, and amendments concurred in.

Mr. Denver moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. Ryan, Watson, and Eagan, and taken with the following result: Ayes, 10—noes, 10:

AYES—Messrs. Chase, Denver, Harvey, Heacock, Leet, Logan, Parks, Pico, Rhodes, and Warmcastle—10.

NOES—Messrs. Clark, De la Guerra, Eagan, Franklin, Gallagher, Haynes, Hill, Ryan, Thomas, and Watson—10.

So the motion was lost.

On motion, the bill was returned to the file.

Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge—was considered in Committee of the Whole.

## IN SENATE.

Bill reported back without amendment, read a third time, and passed. Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Rhodes introduced a bill for An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain claims.

Read first and second times, and referred to the San Francisco Delegation.

## REPORTS.

Mr. Gallagher made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills, have examined Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento ;

Also, Senate Bill, No. 36, An Act to establish Pilots, and Pilot Regulations, for the Port of San Francisco—and report the same correctly engrossed.

GALLAGHER,

For Committee.

Report accepted.

Mr. Eagan moved to suspend the rules, and take up Assembly Bill, No. 355.

Lost.

Mr. Haynes made the following report :

MR. PRESIDENT :—The majority of your Committee on Claims, to whom was referred the claim of the late Terence Foley, for supplies furnished the State Prison in the year eighteen hundred and fifty-five—beg leave to report, that from their investigation they find that Hamilton Bowie and Terence Foley furnished to the State Prison, for the use of the State, supplies to the amount of nineteen thousand, eight hundred and forty-four dollars and thirty-four cents, all of which were received by the State, and applied to its use and benefit; that the accounts therefor, were all certified to, and allowed by, the Board of Directors of the Prison, and Controller's Warrants issued for the whole amount, save one account of five hundred and thirty-four dollars; that upon the passage of the act assuming the State debt, the sum of ten thousand, one hundred and eleven dollars was allowed on account of this claim; and that there is now justly due, and owing from the State, for these supplies which have been actually furnished, and not yet paid for, the sum of nine thousand, seven hundred and seventy-three dollars and thirty-four cents. We also find that the interest of Hamilton Bowie has been sold and assigned to Terence Foley, and that at his death he was the sole owner of the demand. We also find that the petitioners, Bryan Killilea, and Mary Ann Killilea, his wife, are the next of kin, and heirs of Terence Foley; and as such, should be entitled to receive the amount due him. All of which being considered, we report the accompanying bill, and recommend its passage.

H. P. WATKINS,  
J. P. HAYNES,  
JOHN A. EAGAN.

The bill above reported, was read first and second times, and placed on file.

Mr. Parks made the following minority report :



Mr. PRESIDENT:—The undersigned, members of the Committee on Claims, have examined the claim of Terence Foley, Assignee of Hamilton Bowie. This claim is for supplies furnished the State Prison in the year eighteen hundred and fifty-five, to the amount of nineteen thousand dollars, and was presented to the Legislature in the year eighteen hundred and fifty-eight; and after an examination by the Committee on Claims of that year, it was found that ten thousand dollars was due the said Bowie, and an act passed for that amount; and the warrants that had been issued for the nineteen thousand dollars was surrendered up and are now in the Secretary of State's office, and are the property of the State; and it is the opinion of the undersigned that it was the intention of that Legislature to pay the claim in full, and that the parties in accepting the ten thousand dollars, and surrendering the nineteen thousand dollars in warrants, assented to the same—and it is the opinion of a minority of your committee that the claim should not be paid, or any portion of it.

W. H. PARKS,  
A. L. RHODES.

Report received, and placed on file.

Assembly Bill, No. 297, An Act to Fund the indebtedness of Calaveras County, contracted prior to the eighteenth day of March, eighteen hundred and fifty-seven, and a certain indebtedness of eight thousand dollars contracted subsequent thereto, and to provide means for the payment of the same—was taken up, read a third time, and passed.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, April 23d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Vance, leave of absence was granted to Mr. Sharp for one day.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 23d, 1861. }

Mr. PRESIDENT:—The Assembly this day passed Assembly Bill, No. 470, An Act to authorize certain parties therein named to construct a Wharf on Petaluma Creek, in the County of Sonoma;

Also, on the nineteenth instant, passed Senate Bill, No. 126, An Act more clearly to define the Boundaries of Sacramento County;

Also, refused to adopt the report of the Committee on Free Conference on Assembly Bill, No. 36, An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento;

Also, refused to recede from its amendments to Senate Bill, No. 73, An Act to provide for the Sale of the Marsh and Tide Lands of this State—and request that the Senate will recede from its position in reference thereto, and concur in the amendments;

Also, passed Assembly Bill, No. 464, An Act to legalize the Ordinances and all officials Acts of the Board of Trustees of the City of Sonora;

Also, on the sixteenth instant, passed Assembly Bill, No. 445, An Act to provide for reindexing the County Records of Siskiyou County;

Also, on the sixth instant, Assembly Bill, No. 228, An Act to reduce and establish the salaries of State Officers and to fix the pay of Members of the Legislature and to repeal certain Acts relating thereto;

Also, on the eighteenth instant, passed Assembly Bill, No. 217, An Act to authorize the Controller of State to make settlements of certain Fees with the Treasurer of San Bernardino County;

Also, Assembly Bill, No. 434, An Act to amend An Act for the Government and Protection of Indians, passed April twenty-second, eighteen hundred and fifty;

Also, on the twenty-second, Assembly Bill, No. 474, An Act supplementary to an Act entitled An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 476, An Act to authorize the Board of Supervisors of the County of Los Angeles to make an appropriation for the purpose of assisting in the construction and finishing the Road known as the Santa Barbara and Los Angeles Road through the Simi Pass;

Also, Senate Bill, No. 320, An Act for the relief of Truman Wilcox;

Also, Senate Bill, No. 345, An Act to declare the time when a certain Act shall take effect;

Also, Senate Bill, No. 332, An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain Lands that have, or may be purchased by the United States in the State of California and to vest the jurisdiction over the same in the United States for the purpose herein specified;

Also, Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks, with amendments, in which the concurrence of the Senate is requested;

Also, have directed me to transmit to the Senate a resolution requesting the discharge from the public service of a certain attaché of the Senate.

J. W. SCOBAY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 470, above reported—was read first and second times, rules further suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment, read a third time, and passed.  
Senate Bill, No. 73, above reported, with Assembly amendments thereto—was laid on the table

Assembly Bill, No. 464, above reported—was read first and second

times, rules further suspended, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Assembly Bill, No. 445, above reported—was read first and second times, rules further suspended, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Assembly Bill, No. 228, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 217, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 434, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 474, above reported—was read first and second times, and referred to the El Dorado Delegation.

Assembly Bill, No. 476, above reported—was read first and second times, and referred to the Senator from Los Angeles.

Senate Bill, No. 258, above reported—was taken up, and Assembly amendments thereto concurred in, except the amendment to section two, last amendment to section six, and last amendment to the bill, which three amendments the Senate refused to concur in, and asked the Assembly to recede therefrom.

Assembly preamble and resolution, above reported—was read, and on motion of Mr. Eagan, referred to a Special Committee of three with power to send for persons and papers.

The Chair appointed as such committee, Messrs. Eagan, Thornton, and Shafter.

Mr. Shafter in the Chair.

#### SPECIAL ORDER.

The special order of the day being Senate Bill, No. 342. An Act to provide for the survey of the Boundary Line between the State of California and Nevada Territory—was taken up, and on motion of Mr. Irwin, ordered printed, and made special order of the day for Friday next at two o'clock, P. M.

Mr. Ryan, by leave, offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the passage of a law establishing a mail route between the Port of San Francisco, in this State, and Ports in Japan and China.

*Resolved*, That the Governor be requested to forward a copy of the above resolution to our Senators and Representatives in Congress.

Adopted.

#### REPORTS.

Mr. Heacock made the following report:

Mr. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate Bill, No. 149, An Act making appropriations for Deficiencies in the appropriation made for the Twelfth Fiscal Year ending June thirtieth, A. D. eighteen hundred and sixty-one;

Also, Senate Bill, No. 337, An Act to provide for the payment of Costs

incurred and paid by Placer County in the trial of H. Bates, late State Treasurer;

Also, Senate Bill, No. 352, An Act to grant Guillermo Carrillo, and his Assigns, the right to supply the Inhabitants of the Town of Santa Barbara with Fresh Water;

Also, Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin—and the same have been found correctly engrossed.

E. H. HEACOCK,

For Committee.

April 23d, 1861.

Report accepted.

Mr. Thomas made the following report :

Mr. PRESIDENT:—Your committee respectfully report as correctly enrolled Senate Bill, No. 96, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, approved March thirteenth, eighteen hundred and fifty-eight;

Also, Senate Bill, No. 199, An Act to create the County of Esmeralda, to define its Boundaries, and provide for its organization;

Also, Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots therein proper Certificates of Purchase and to manage the said Cemetery;

Also, Senate Bill, No. 323, An Act for the protection of Harbors;

Also, Senate Concurrent Resolution, No. 42, Relative to Warrants issued prior to eighteen hundred and fifty-seven;

Also, Senate Bill, No. 67, An Act authorizing the Treasurer of State to issue Bonds;

Also, Senate Bill, No. 268, An Act to appropriate Money to pay the Claim of E. J. Sanders and others;

Also, Senate Bill, No. 298, An Act to authorize Giles Bewell to remove the Remains of deceased persons in the Town of Michigan Bluff, Placer County;

Also, Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the outstanding indebtedness of Contra Costa County, approved April thirtieth, eighteen hundred and fifty-eight—which bills were handed to his Excellency the Governor at two o'clock, P. M. on the twenty-second day of April, eighteen hundred and sixty-one.

PHILIP W. THOMAS,

Chairman.

Report accepted.

#### GENERAL FILE.

Assembly Bill, No. 54, An Act to provide for the Reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress—was taken up, and amendments reported from the Committee on Swamp and Overflowed Lands, ordered printed, and bill made special order for Tuesday next at half past eleven o'clock, A. M.

Senate Bill, No. 315, An Act supplementary to An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty—was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, and on motion, returned to file.

Assembly Bill, No. 253, An Act granting to certain parties the right to

construct a Macadamized and Turnpike Road within the City and County of San Francisco—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, read a third time, and passed.

Senate Bill, No. 307, An Act to amend an Act entitled An Act to amend an Act entitled An Act declaring certain Rivers and Creeks Navigable; passed February fifteenth, eighteen hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, eighteen hundred and fifty-three, passed May fifteenth, eighteen hundred and fifty-four, approved April tenth, eighteen hundred and sixty—was considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendments, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 270—was taken up, and placed at the head of the file for to-morrow.

Senate Bill, No. 260, An Act amendatory of an Act supplementary to an Act entitled An Act to afford protection to Emigrants—was considered in Committee of the Whole, and substitute reported by the Committee on Commerce and Navigation adopted.

IN SENATE.

Substitute read first and second times, and on motion, returned to file.

Senate Bill, No. 290, An Act to authorize property holders to open a Street in front of certain lots in the City and County of San Francisco, together with Assembly Bills, Nos. 308, 251, and 199—were taken up, and on motion, returned to the file.

Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State—was taken up, read a third time by title, and passed.

Senate Bill, No. 273, An Act to amend An Act concerning Ferries and Toll-Bridges, passed April twenty-eighth, eighteen hundred and fifty-five—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Clark, by leave, introduced a bill for An Act granting certain parties the right to lay a Railroad Track through certain Streets in the City and County of Sacramento—was read first and second times, rules suspended, considered engrossed, read a third time, and passed.

Mr. Leet, by leave, introduced a bill for An Act to grant the right of way to construct a Toll-Bridge across Bear River at a point therein named—was read first and second times, rules suspended, considered engrossed, read a third time by title, and passed.

Mr. Williamson, by leave, offered the following resolution :

*Resolved*, That the sum of fifty-two dollars be, and the same is hereby, allowed I. N. Quinn, late President of the Senate, for his services and mileage in coming to Sacramento and presiding over the Senate at its organization the present session, and the Controller of State is hereby authorized and directed to draw his warrant therefor, to be paid out of any moneys in the State treasury not otherwise appropriated.

Adopted.

Senate Bill, No. 163—was taken up, and placed at the foot of the file.  
Senate Bills, Nos. 120 and 122—were taken up, and on motion, returned to the file.

Assembly Bill, No. 355—was taken up, and rereferred to the Committee on Claims.

Assembly Bill, No. 249, An Act to change the name of Henrich Wilhelm Christian Steghagen to Henry Hagen—was taken up, read a third time by title, and passed.

Assembly Bill, No. 279, An Act to change the name of Henry Nathan to Henry Chester—was taken up, read a third time by title, and passed.

Senate Bill, No. 255, An Act to appropriate Money for the salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year—was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendments concurred in.

Mr. Denver moved to indefinitely postpone the bill.

Mr. Ryan moved to make it the special order of the day for Tuesday next at half past eleven o'clock, A. M.

Lost.

Mr. Ryan then moved that the bill be rereferred to the Finance Committee.

Upon which, the ayes and noes were demanded by Messrs. Ryan, Eagan, and Thomas, and taken with the following result: Ayes, 11—noes, 10:

AYES—Messrs. Chase, De la Guerra, Eagan, Edgerton, Franklin, Hill, Pico, Ryan, Thomas, Thornton, and Williamson—11.

NOES—Messrs. Denver, Dickinson, Harvey, Heacock, Leet, Logan, Parks, Rhodes, Shafter, and Warmcastle—10.

So the motion prevailed, and the bill was rereferred to the Finance Committee.

Senate Bill, No. 267, An Act to repeal an Act entitled An Act requiring the Controller of State to sign certain Blanks and to appoint a Deputy for that purpose—was taken up.

The question being on the adoption of the report of the Committee on Finance to indefinitely postpone the bill—

Mr. Thomas moved to adjourn.

Lost.

Mr. Logan moved a call of the Senate.

Agreed to.

Roll called.

Sergeant-at-Arms dispatched for absentees.

Absent—Messrs. Burbank, Crittenden, Chase, De Long, Gallagher, Haynes, Irwin, Merritt, Phelps, Pico, Rhodes, Sharp, Thornton, Vanco, Watkins, Watson, Watt, Williamson, and Mr. President.

Mr. Denver moved that the Senate adjourn.

Upon which, the ayes and noes were demanded by Messrs. Heacock, Leet, and Edgerton, and taken with the following result: Ayes, 10—noes, 5:

AYES—Messrs. Denver, Dickinson, Eagan, Edgerton, Franklin, Hill, Parks, Ryan, Thomas, and Warmcastle—10.

NOES—Messrs. Clark, Harvey, Heacock, Leet, and Logan—5.

So the motion prevailed, and the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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IN SENATE.

SENATE CHAMBER,  
Wednesday, April 24th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Shafter presented the petition and remonstrance of John McDonnell, protesting against the passage of an act entitled An Act to authorize the Executors of David C. Broderick, deceased, to sell and convey certain Real Estate.

Referred to the Judiciary Committee.

Mr. Eagan moved to suspend the rules and take up Senate Bill, No. 60, so that it might be considered now.

Lost.

REPORTS.

Mr. Sharp Made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County—report the same back, and recommend its passage ;

Also, Senate Bill, No. 336, An Act for the relief of the Sureties upon the recognizance of Mike Freel, of the County of Sierra—report the same back, and recommend its passage ;

Also, Senate Bill, No. 254, An Act providing for the revision of the General Laws of this State—report the same back, with the accompanying amendment, and recommend its passage as amended :

Sec. 4. Line four, strike out all after the word "month," down, and including, the word "appropriated," and insert in lieu thereof words as follows :

" *Provided*, that no compensation shall be paid until the said digest shall be accepted by the Supreme Court of this State; and, *provided*, that the whole expense shall not exceed the sum of fifteen thousand dollars; and a sum not exceeding fifteen thousand dollars is hereby appropriated for the purpose of such compensation."

SHARP,  
Chairman.

Report received, and with bill, placed on file.

Mr. Williamson made the following report :

Mr. PRESIDENT:—The Committee on Enrolled Bills have examined, and found correctly enrolled, Senate Bill, No. 345, An Act to declare the time when a certain Act shall take effect;

Also, Senate Bill, No. 126, An Act more clearly defining the Boundaries of Sacramento County—and have this twenty-third day of April, eighteen hundred and sixty-one, at the hour of twelve, M. delivered the same to the Governor for his approval.

WILLIAMSON,  
For Committee.

Report accepted.

Mr. Parks made the following report:

Mr. PRESIDENT:—The Special Committee, to whom was referred Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six—have had the same under consideration, and report the bill back, with a substitute, and recommend the adoption of the substitute as a proper bill to pass, if the Senate shall deem it proper to pass any bill until more is known about the actual service rendered.

Your committee find that there is eighteen thousand three hundred and seventy-seven dollars and eighty-two cents due to these parties; *provided*, they are all (except the Sutter Rifles) entitled to three months' pay, exclusive of servants, clothing, forage, and rations, as follows:

Names.	Amount.
To Col. J. R. West .....	\$132 00
To Major Johnson.....	165 00
To National Lancers .....	2,866 54
To Union Guards .....	1,992 80
To Company C. ....	2,827 70
To Washington Continental Guards.....	1,412 10
To Marion Rifles .....	1,775 00
To Jackson Guards .....	2,446 90
To Constitution Guards .....	3,009 20
To San Francisco Blues .....	1,276 80
To Sutter Rifles .....	473 78
Total.....	\$18,377 82

W. H. PARKS,  
Chairman of Committee.

Report received, and with bill, placed on file.

Mr. Pico made the following report:

Mr. PRESIDENT:—The Los Angeles Delegation, to whom was referred Assembly Bill, No. 476, An Act to authorize the Board of Supervisors of the County of Los Angeles to make an Appropriation for the purpose of assisting in the construction and finishing the Road known as the Santa Barbara and Los Angeles Road, through the Limi Pass—have had the same under consideration, and report it back, and recommend its passage.

PICO,  
For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole.



## IN SENATE.

Bill reported back, without amendment, read a third time, and passed.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April, 24th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 96, An Act to amend an Act entitled An Act to grant to certain parties the right of laying a Railroad Track along certain Streets in the City and County of San Francisco, which became a law on the sixth day of April, A. D. eighteen hundred and fifty-seven;

Also, Senate Bill, No. 323, An Act for the protection of Harbors;

Also, Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots therein proper Certificates of Purchase, and to manage the said Cemetery;

Also, Senate Bill, No. 268, An Act to appropriate Money to pay the Claim of E. J. Sanders and others;

Also, Senate Bill, No. 345, An Act to declare the time when a certain Act shall take effect;

Also, Senate Bill, No. 126, An Act more clearly to define the Boundaries of Sacramento County, and to amend an Act entitled An Act to amend an Act entitled An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

JOHN G. DOWNEY,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, }  
April 24th, 1861. }

Mr. PRESIDENT:—The House, on the sixteenth instant, concurred in Senate amendments to Assembly Bill, No. 370, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, on yesterday, passed Assembly Bill, No. 466, An Act to authorize the construction of a Wagon Road across the Contra Costa Mountains;

Also, on the sixteenth, passed Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund;

Also, on the eighteenth, passed Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento;

Also, on the nineteenth, passed Assembly Bill, No. 439, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twetny-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty;

Also, this day, passed Senate Bill, No. 216, An Act authorizing Charles H. Prindle, Andres Pico, and James R. Vineyard, to build and construct a Turnpike Road from the ex-Mission of San Fernando to the Arroyo de Santa Clara, in Los Angeles County, with amendments;

Also, refused to concur in Senate amendments to Assembly Bill, No.

332, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento—and ask that the Senate recede therefrom;

Also, has this day, passed Assembly Bill, No. 481, An Act to amend an Act entitled An Act concerning the Indigent Sick in the County of Placer, approved April twenty-seventh, eighteen hundred and fifty-seven.

J. W. SCOBAY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 466, above reported—was read first and second times, and referred to the Contra Costa Delegation.

Assembly Bill, No. 319, above reported—was read first and second times, and referred to the Senator from Santa Clara.

Assembly Bill, No. 196, above reported—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 439, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 216, above reported—was considered, and Assembly amendments thereto read and concurred in.

Assembly Bill, No. 332, above reported—was taken up, and the question being, Shall the Senate recede from its amendments heretofore made to the bill, was was put and carried.

So the Senate receded.

Assembly Bill, No. 481, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

#### INTRODUCTION OF BILLS.

Mr. Thornton, by leave, introduced An Act amendatory of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Warmcastle, by leave, introduced An Act for the construction of a Railroad in the County of Contra Costa.

Read first and second times, rules suspended, considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended, and the Secretary directed to report the same to the Assembly forthwith.

Mr. Shafter, by leave, introduced a bill for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Phelps, by leave, introduced a bill for An Act authorizing Joseph Galloway to build a Wharf at San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Sharp moved to take up Senate Bill, No. 60, and place it at the top of the file for to-morrow.

Lost.

Mr. Sharp then moved to make the bill the special order for to-morrow, at half past eleven o'clock, A. M.

Carried.

Mr. Williamson moved to reconsider the vote by which the Senate, on yesterday, adopted the resolution relative to the pay of I. N. Quinn of fifty-two dollars, for mileage, etc.

Carried, and the vote was reconsidered.

Mr. Williamson then moved to amend the resolution, so that the money should be paid out of the Contingent Fund of the Senate instead of out of the General Fund, as at present provided for in the resolution.

Mr. Clark moved to refer to the Committee on Finance.

Agreed to, and the resolution was so referred.

Mr. Parks in the Chair.

Mr. Edgerton moved to take up Assembly Bill, No. 426, An Act to fix the time of holding certain Courts in Yolo County.

Agreed to, and the bill was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back, without amendment, read a third time, and passed.

#### GENERAL FILE.

The Chair announced Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco as being first on the file.

Mr. Logan arose to a point of order, that Senate Bill, No. 267, was being considered when the Senate adjourned on yesterday, and therefore was the first bill in order on the file.

The Chair ruled the point of order not well taken, that Senate Bill, No. 36, had been ordered engrossed, and placed at the top of the file for today by a vote of the Senate had on the nineteenth instant.

Mr. Logan appealed from the ruling of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? was put and carried.

So the decision of the Chair stood as the judgment of the Senate, and Senate Bill, No. 36, was taken up, and considered.

Mr. Phelps presented a remonstrance from sundry citizens of San Francisco against the passage of the bill.

Received and read.

Mr. Ryan presented a petition from sundry citizens of the same place, asking the passage of the bill.

Received and read.

Mr. Phelps moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Ryan, Chase, and Phelps.

After debate, Mr. Warmcastle moved to rerefer to the Committee on Commerce and Navigation, with special instructions to add the following:

*"Provided, nothing herein shall be so construed as to repeal or any manner affect an act entitled An Act to establish Pilots and Pilot Regulations for the Port and Harbor of Benicia and Mare Island, approved March twenty-ninth, eighteen hundred and fifty-six."*

Lost.

Mr. Chase then moved to rerefer to the Committee on Commerce and Navigation, with the following special instructions:

Add to section sixteen the following:

*"The penalty named in this section shall not be incurred when the master of a vessel cannot procure a licensed Pilot."*

Lost.

The question recurring on the motion of Mr. Phelps to indefinitely postpone, the roll was called, with the following result: Ayes, 11—noes, 7:

AYES—Messrs. Burbank, Clark, Dickinson, Edgerton, Harvey, Heacock, Leet, Parks, Phelps, Ryan, and Shafter—11.

NOES—Messrs. De la Guerra, Eagan, Haynes, Irwin, Pico, Sharp, and Thornton—7.

So the motion prevailed, and the bill was indefinitely postponed.

Mr. Ryan gave notice that on to-morrow he would move a reconsideration of the vote just had by which the bill was indefinitely postponed.

On motion of Mr. De la Guerra the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary.

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## IN SENATE.

SENATE CHAMBER,  
Thursday, April 25th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Chase, indefinite leave of absence was granted to Mr. Watkins.

On motion of Mr. Clark, the Committee on Commerce and Navigation was requested to report back to the Senate, at an early day, Senate Bill, No. 327, Relative to the American River.

Mr. Burbank presented the petition Of sundry Citizens of San Francisco, praying for the passage of the Military Bill now before the Senate.

Received, and placed on the file with the bill.

## REPORTS.

Mr. Shafter made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration, report as follows:

Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last will and testament of Edward Hall, deceased, and to authorize her, as Executrix, to sell and convey Real and Personal Property—report the same back, and recommend its passage;

Also, Senate Bill, No. 253, An Act to confirm the sales made by the State Board of Land Commissioners, to Land sold by them in the City and County of San Francisco—and recommend its indefinite postponement;

Also, Senate Bill, No. 340, An Act to authorize William T. Wallace to

sell certain Real Estate of his Infant Children—and recommend its passage;

Also, Senate Bill, No. 329, An Act to amend An Act to regulate proceedings in Civil Cases—and recommend its passage;

Also, Assembly Bill, No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two—report the same back with the accompanying amendment:

Section one, line fifteen, strike out all after the word "sessions"—and recommend its passage as amended;

Also, Assembly Bill, No. 434, An Act to amend An Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty—and recommend its indefinite postponement;

Also, Assembly Bill, No. 456, An Act concerning Fees in certain Counties—report the same back, and recommend that it be referred to the Senators from Santa Clara and Alameda Counties;

Also, Senate Bill, No. 326, An Act to create the Office of Commissioner of Foreign Emigration, and to encourage and promote direct Immigration to this State from Europe—and after deliberate investigation are satisfied, and so report, that the object of the bill is meritorious, and should receive, under ordinary circumstances, a favorable consideration; but the committee considering the depleted state of the treasury, and the many demands that must be met during the next twelve months, deem it inexpedient at present to make any appropriation towards the proposed object, and therefore recommend that the bill do not pass.

SHAFTER,

For Committee.

Report received, and with bills, placed on file.

Mr. Dickinson made the following report:

Mr. PRESIDENT:—The Committee on Public Expenditures have considered Senate Bill, No. 245, An Act to define the duties of the officers and employes of the Senates, and to establish their pay—report the same to the Senate with a substitute, and recommend the passage of the substitute.

DICKINSON,

For Committee.

Report received, rules suspended, bill considered in Committee of the Whole, and substitute adopted.

#### IN SENATE.

Reported back, and referred to the Finance Committee.

Mr. Sharp made the following report:

Mr. PRESIDENT:—The San Francisco Delegation, to whom was referred Senate Bill, No. 225, An Act for the relief of Louis Teal, late Tax Collector in and for the City and County of San Francisco—have had the same under consideration, and report it back, and recommend its passage.

SHARP,

For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back, rules further suspended, considered engrossed, read a third time, and passed.

Mr. Phelps made the following report :

MR. PRESIDENT:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain judgment ;

Also, Assembly Bill, No. 259, An Act in relation to the Public Pound in the City and County of San Francisco ;

Also, Assembly Bill, No. 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, to provide for the actual and prospective deficiency in the Corporation Debt Fund of said City and County, for the fiscal years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 247, An Act to amend an Act entitled An Act to repeal the General Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six ;

Also, Senate Bill, No. 277, An Act relative to the issuance of Certificates to Exempt Firemen within this State ;

Also, Assembly Bill, No. 315, An Act authorizing the Administrator of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at private sale—have had the same under consideration, and report the same back, and recommend their passage without amendment.

T. G. PHELPS,

For the Delegation.

Report received, and with bills, placed on file.

Mr. Merritt made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills, have examined Senate Bill, No. 273, An Act to amend an Act entitled An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty ;

Also, Senate Bill, No. 354, An Act granting certain parties the right to lay a Railroad Track through certain Streets in the City of Sacramento—and report the same correctly engrossed.

MERRITT,

Chairman.

Report accepted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 25th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 291, An Act to fix the terms of the District Court in the County of Mono ;

Also, Senate Bill, No. 293, An Act fixing the times of holding the Court of Sessions, County Court, and Probate Court, in the County of Mono ;

Also, Senate Bill, No. 67, An Act authorizing the Treasurer of State to issue Bonds ;

Also, Senate Bill, No. 298, An Act to authorize Giles Bewel to remove

the Remains of Deceased Persons, in the Town of Michigan Bluff, Placer County ;

Also, Senate Bill, No. 199, An Act to create the County of Mono, to define its Boundaries, and provide for its Organization ;

Also, Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the outstanding indebtendess of Contra Costa County, approved April third, eighteen hundred and fifty-eight.

JOHN G. DOWNEY,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

HOUSE OF ASSEMBLY,  
April 24th, 1861. }

Mr. PRESIDENT :—The House has passed Assembly Concurrent Resolution, No. 57, Relative to a Convention of the States of the Union, for the purpose of revising and changing the Constitution of the United States ;

Also, on the nineteenth instant, refused to concur in Senate amendment to Assembly Bill, No. 254, An Act amendatory of An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States ;

Also, on yesterday, passed Assembly Bill, No. 174, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 485, An Act amendatory of, and supplementary to, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the official terms of certain Officers therein mentioned, approved April twenty-second, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 307, An Act to amend an Act entitled An Act to amend an Act entitled An Act declaring certain Rivers and Creeks navigable, passed February eighteenth, eighteen hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, eighteen hundred and fifty-three, passed May fifteenth, eighteen hundred and fifty-four, approved April tenth, eighteen hundred and sixty-one ;

Also, refused to recede from its amendments to Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks—and have appointed Messrs. Conness, Fargo, and Wood of Yolo, a Committee of Free Conference ;

Also, adopted Assembly Concurrent Resolution, No. 58, Relative to the World's Fair in London, for eighteen hundred and sixty-two ;

Also, concurred in Senate Concurrent Resolution, No. 43, Relative to a Mail-Route from San Francisco to Japan ;

Also, passed, this day, Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County, with amendments.

J. W. SCOBEEY,  
Assistant Clerk.

Mr. Lect in the Chair.

Assembly Bill, No. 254, above reported—was taken up, and the question being, Shall the Senate recede from its amendments? the ayes and noes were demanded by Messrs. Eagan, Ryan, and Vanco, and taken with the following result : Ayes, 13—noes, 6 :

**AYES**—Messrs. De la Guerra, Edgerton, Harvey, Haynes, Leet, Logan, Phelps, Pico, Ryan, Sharp, Vance, Watson, and Watt—13.

**NOES**—Messrs. Burbank, Denver, Eagan, Merritt, Thornton, and Warmcastle—6.

So the Senate receded from her amendments.

Mr. Watt gave notice that he would, on to-morrow, move to reconsider the vote by which the Senate receded from her amendments to the bill.

Assembly Concurrent Resolution, above reported—was referred to the Committee on Federal Relations.

Assembly Bill, No. 174, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 485, above reported—was read first and second times, rules further suspended, bill read a third time by title, and passed.

Senate Bill, No. 258, above reported—was taken up, and Committee of Free Conference appointed consisting of Messrs. Denver, Clark, and Shafter.

Assembly Concurrent Resolution, No. 58, above reported—was read and referred to the Committee on Mines and Mining Interests.

Senate Bill, No. 207, above reported—was taken up, and Assembly amendments thereto read and concurred in.

Mr. Ryan, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Senate Bill, No. 36.

Mr. Eagan moved to make the motion to reconsider the special order of the day for to-morrow at half past eleven o'clock, A. M.

Agreed to.

The special order of the day being Senate Bill, No. 60—was taken up, and on motion of Mr. Sharp, placed second on the file.

Mr. Clark made a verbal report from the Finance Committee reporting back without recommendation Senate Resolution, Relative to paying I. N. Quinn, fifty-two dollars for his mileage whilst acting as Lieutenant-Governor.

#### INTRODUCTION OF BILLS.

Mr. Sharp, by leave, introduced a bill for An Act to quiet Land Titles in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation and ordered printed.

Mr. Clark, by leave, introduced a bill for An Act to grant the right of way to the city and County of Sacramento for the purpose of Drainage from the City of Sacramento.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

The Forty-Fifth Rule was also suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Sharp, by leave, introduced a bill for An Act amendatory of, and supplementary to, An Act relative to the payment of Stewards of the San Francisco Fire Department.

Read first and second times, and referred to the San Francisco Delegation.

Mr. Rhodes made the following report:

Mr. PRESIDENT:—Your Committee on Claims, to whom was referred Senate Bill, No. 287, entitled An Act to audit and allow the Claim of John P. Reiley—have had the same under consideration and they beg leave to report that they find that the claimant, Dr. Reiley, was employed



by the Trustees of the State Marine Hospital in October, A. D. eighteen hundred and fifty-two, as Physician of the Smallpox Hospital established by said Trustees at San Francisco, at the rate of five thousand dollars per annum; that Dr. Reiley discharged the duties of such Physician from the fifteenth of October, eighteen hundred and fifty-two, to March eleventh, eighteen hundred and fifty-three, and that he has received for his services the sum of two hundred and eight dollars and thirty-three cents, leaving due him the sum of one thousand seven hundred and seventy-seven dollars and sixty-eight cents, and that the Trustees of said Hospital were by law authorized to employ the necessary attendants and employes in the said Hospital, they therefore recommend that the said bill be passed.

A. L. RHODES,  
For the Committee.

Report received, and with bill, placed on file.

#### GENERAL FILE.

Assembly Bill, No. 116, An Act in relation to the Military of this State—was taken up, rules suspended, bill read third time by title, and passed.

Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell insurrection in the year eighteen hundred and fifty-six—was taken up, considered in Committee of the Whole and amended as recommended by the Special Committee to whom the bill was heretofore referred.

#### IN SENATE.

Bill reported back, amendments concurred in, and the bill ordered to be engrossed and read a third time.

Assembly Bill, No. 270—was taken up, and made special order for Wednesday next at two o'clock, P. M.

Senate Bill, No. 290—was taken up, and referred to the San Francisco Delegation.

Assembly Bill, No. 251, An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco—was taken up, and indefinitely postponed.

Assembly Bill, No. 308—was taken from the file, and referred to the San Francisco Delegation.

Assembly Bill, No. 199, An Act to fix the location of Brady Street in the City and County of San Francisco—was read a third time by title, and passed.

Senate Bill, No. 122—was taken up, and ordered to be placed at the top of the file for to-morrow.

On motion of Mr. Logan, Senate Bill, No. 267—was taken from unfinished business, and placed at the top of the file for Saturday next.

Senate Bill, No. 15—was taken from the file, and laid on the table.

Senate Bill, No. 75—was taken up, and on motion, laid on the table.

Senate Bill, No. 185, An Act to provide for the Engraving and Printing of State Controllers' Warrants—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendments, rules suspended, bill considered engrossed, read third time, and passed.

Assembly Bill, Nos. 353 and 256—were taken up, and made special order for Tuesday next at half past eleven o'clock. A. M.

On motion of Mr. Phelps, Assembly Bill, No. 429, An Act to authorize

the Guardian of Francis William Patey to sell and convey certain Real Estate—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Assembly Bill, No. 80—was taken from the file, and laid on the table.

Assembly Bill, No. 311—was taken up, and on motion of Mr. Warmcastle, made the special order for to-morrow immediately after the reading of the journals.

Mr. Rhodes made a verbal report recommending the passage of Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund—rules suspended, bill read third time, and passed.

On motion of Mr. Hill, Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last will and testament of E. H. Hall, deceased, and to authorize her as such Executrix to sell and convey Real and Personal Property—was taken up, read a third time by title, and passed.

Mr. Phelps made a verbal report recommending the passage of Assembly Bill, No. 439, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty.

Report received, rules suspended, bill read third time, and passed.

Mr. Warmcastle, by leave, introduced a bill for An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Eagan made a verbal report on Assembly Bill, No. 355—reporting the same back, recommending its passage.

Report received, and bill placed on file.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Friday, April 26th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

SPECIAL ORDER.

Assembly Bill, No. 311, An Act providing for the permanent improvement of the Stock Grounds belonging to the State Agricultural Society—being the special order, immediately after the reading of the Journal, was taken up, and considered in Committee of the Whole.

## IN SENATE.

Bill reported back, without amendment.

Pending the further action on which Mr. Ryan called for the special order, which being the motion to reconsider the vote by which the Senate, on the twenty-fourth instant, indefinitely postponed Senate Bill, No. 36, was taken up.

Mr. Edgerton moved to postpone the consideration of the special order until Assembly Bill, No. 311, was disposed of.

Agreed to.

The question recurring on the passage of Assembly Bill, No. 311, the ayes and noes were demanded, by Messrs. Warmcastle, Dickinson, and Merritt, and taken with the following result: Ayes, 21—noes, 6:

**AYES**—Messrs. Burbank, Chase, Clark, Crittenden, Denver, Dickinson, Eagan, Edgerton, Gallagher, Harvey, Hill, Irwin, Leet, Logan, Merritt, Phelps, Rhodes, Ryan, Sharp, Vance, and Williamson—21.

**NOES**—Messrs. Franklin, Haynes, Pico, Warmcastle, Watson, and Watt—6.

So the bill passed.

Mr. Clark in the Chair.

Mr. Ryan renewed his call for the special order.

Taken up, and after debate, the hour of twelve having arrived and passed, call was made under the Second Rule of the Senate for the General File.

Mr. Chase moved to postpone the consideration of the General File until the motion to reconsider was disposed of.

Mr. Eagan arose to a point of order, that the General File was a special order, and as such stood in the same position as any other special order, and that the hour fixed by the rule under which the file was called for being twelve o'clock, m. and twelve m. having passed before the same was called for, it became a dropt order, and could not be called up except by a two-third vote.

The Chair ruled the point of order not well taken.

Mr. Eagan appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded, by Messrs. Merritt, Ryan, and Dickinson, and taken with the following result: Ayes, 16—noes, 10.

**AYES**—Messrs. Burbank, De la Guerra, Denver, Dickinson, Edgerton, Franklin, Harvey, Haynes, Hill, Leet, Merritt, Phelps, Pico, Rhodes, Shafter, and Vance—16.

**NOES**—Messrs. Chase, Eagan, Gallagher, Logan, Ryan, Sharp, Warmcastle, Watson, Watt, and Williamson—10.

So the ruling of the Chair was sustained, and stood as the judgment of the Senate, and the General File was taken up.

The question recurring on the motion of Mr. Chase, to postpone the consideration of the file until the motion to reconsider was disposed of, was put and lost.

## REPORTS.

Mr. Denver made the following report:

Mr. PRESIDENT:—The Committee on Free Conference appointed to confer upon the points of disagreement between the two Houses on Assem-

## IN SENATE.

SENATE CHAMBER,  
Saturday, April 27th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Merritt in the Chair.

Mr. Harvey presented a petition from the Trustees of the State Insane Asylum at Stockton, praying for an appropriation of seven thousand dollars, to be expended in introducing Gas into said Asylum, and for other improvements thereto.

Received, and referred to the Committee on Public Hospitals.

On motion of Mr. Vance, leave of absence was granted to Mr. Irwin for two days.

## REPORTS.

The following report was received from the Committee on Engrossed Bills :

MR. PRESIDENT:—Your Committee on Engrossed Bills, have examined and found correctly engrossed, Senate Bill, No. 185, An Act to provide for the Engraving and Printing of State Controller's Warrants ;

Also, Senate Bill, No. 363, An Act supplemental to An Act concerning lawful Fences in the County of Contra Costa ;

Also, Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six ;

Also, Senate Bill, No. 313, An Act fixing the Salaries of the Judges of the Third and Thirteenth Judicial Districts.

MERRITT,  
Chairman.

Report accepted.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the proposed amendments to the Constitution of the State of California—having had the same under consideration, report the same back with the accompanying alterations, and recommend they be agreed to as changed :

Section three, line twenty-four, strike out the words, "their number," and insert in lieu thereof, words as follows : "the five Judges."

Section four, line twenty-eight, strike out the word "the;" line twenty-nine, after the word "petition," insert the words, "on behalf."

Section six, line twenty-two, strike out the word "the;" same line, after the word "petition," insert the words, "on behalf."

Section eight, line thirty-two, strike out the word "the;" line thirty-three, after the word "petition," insert the words, "on behalf."

Section fourteen, line six, strike out the word "such"

Add to section fifteen, the following words: "*provided*, that County Judges shall be paid out of the county treasury of their respective Counties."

Add section nineteen :

"SEC. 19. In order that no inconvenience may result to the public ser-

vice, from the taking effect of the amendments proposed to said article sixth, by the Legislature of eighteen hundred and sixty-one, no office shall be superseded thereby, nor shall the organization of the several courts be changed thereby, until the election and qualification of the several officers provided for in said amendments."

Your committee also propose certain additional amendments to the Constitution, and recommend the same be agreed to.

SHARP,  
Chairman.

Report received and ordered printed, together with the amendments proposed to the Constitution, and placed on file.

Mr. Sharp also made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration, report as follows :

Senate Bill, No. 360, An Act amendatory of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back with the following amendments :

Section one, line thirty-three, strike out the word "reply," and insert in lieu thereof, the word "rely;" line thirty-seven, after the word "the," insert the words "parties may agree upon, or the."

Section two, line seventeen, strike out the word "sweeties," and insert in lieu thereof, the word "sureties"—and recommend its passage as amended.

Senate Bill, No. 243, An Act to authorize the Executors of David C. Broderick, deceased, to sell and convey certain Real Estate—and recommend its indefinite postponement.

Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one—report the same back with the accompanying amendments :

Amend the title, by adding after the word "act," on line one, the following words: "amendatory of, and."

Strike out all after the enacting clause, and insert words as follows :

"SECTION 1. Section two of said act is hereby amended so as to read as follows :

Sec. 2. The Secretary of State shall be *ex officio* State Sealer of Weights and Measures; and the Clerks of the County Courts shall be County Sealers of Weights and Measures for the several counties, except in the city and county of San Francisco; and the Secretary of State is hereby authorized and required to appoint some suitable person as Deputy County Sealer, in and for said city and county; and all Deputies, or County Sealers, are hereby required to deliver to the County Clerks of their respective counties, all standards of weights, or measures, in their possession, or under their control; *provided*, that the said standards in the city and county of San Francisco shall be delivered to the said Deputy, appointed by the Secretary of State under the provisions of this section; and the said Deputy, so appointed, shall hold his office for the term of two years from the date of his appointment.

SEC. 2. All persons using any weights and measures, or beams, in the city and county of San Francisco, by which any commodity, or article of trade, or traffic, is weighed, or measured, shall have the same certified to

by the said Deputy, at least once a year, and any person hereafter using any such weights and measures, or beams, in said city and county not conformable to the standard of the county in which said weights, measures, or beams, are used, or without having such weights, measures, or beams, first certified to as aforesaid, shall be liable to a criminal prosecution therefor, and upon conviction shall be fined in a sum not less than twenty-five, nor more than two hundred, dollars for each offense, and it is hereby made the duty of the said Deputy to report immediately to the District Attorney of the said county all violations of this act as may come to his knowledge, and it shall be the duty of said District Attorney to prosecute all persons so offending, and the said fines so collected shall be paid into the county treasury for county purposes.

SEC. 3. The said Deputy shall have power to inspect at any time, (Sundays excepted,) in the day time, all such weights and measures, or beams, at, or in, the places they are so used, and any person refusing to allow such inspection upon reasonable request, shall be liable to the penalties of section two of this act.

SEC. 4. This act shall take effect from and after its passage." And recommend its passage as amended.

SHARP,  
Chairman.

Report received, and with bills, placed on file.

The Committee on Agriculture made the following report :

MR. PRESIDENT:—Your committee to whom was referred Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies—have had the same under consideration and report the bill back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Amend section one, lines four and five, by striking out the words "to be paid on the first day of June."

Strike out all after the word "purpose" in line twenty-three to end of section.

PHELPS,  
Chairman.

Report received, and bill referred to the Committee on Agriculture.

Also, the following report was received from the Committee on Agriculture :

MR. PRESIDENT:—Your committee, to whom was referred Assembly Bill, No. 423—have had the same under consideration and report the bill back with the following amendment and recommend its passage.

Strike out section one and insert the following :

"SECTION 1. The act to which this act is supplementary shall be held and is hereby declared to apply to the township of Liberty in the county of Klamath."

PHELPS,  
Chairman.

\* Report received, and with bill, placed on file.

Mr. Ryan made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 357, An Act authorizing Joseph Gal-

loway to build a Wharf at San Francisco—have had the same under consideration and report it back recommending its passage.

JAS. T. RYAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Sharp made a verbal report from the San Francisco Delegation reporting back Senate Bill, No. 362, with a substitute therefor, and recommending the passage of the substitute, An Act amendatory of, and supplementary to, An Act relating to the payment of Stewards of the San Francisco Fire Department.

Report received, substitute adopted, and read first and second times, rules suspended, considered engrossed, read a third time, and passed.

Mr. Edgerton made a verbal report reporting back Assembly Bill, No. 401—with a recommendation that it pass.

Report received, and bill placed on file.

Mr. Vance, by leave, moved to take up the motion heretofore made by Mr. Watt to reconsider the vote by which the Senate receded from their amendments to Assembly Bill, No. 254.

Agreed to.

Motion to reconsider was taken up, and made the special order of the day for Wednesday next, May first, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

Mr. Williamson, by leave, moved to take up Senate Resolution, Relative to the payment to I. N. Quinn of the sum of fifty-two dollars mileage due him as late President of the Senate.

Agreed to.

Resolution taken up and amended so as to provide for the payment of the said sum out of the Contingent Fund of the Senate instead of the General Fund.

The question then being on the adoption of the resolution as amended, the ayes and noes were demanded by Messrs. Leet, Franklin, and Shafter, and taken with the following result: Ayes, 10—noes, 9:

AYES—Messrs. Chase, Denver, Logan, Ryan, Sharp, Thornton, Vance, Watson, Watt, and Williamson—10.

NOES—Messrs. Clark, Dickinson, Edgerton, Franklin, Harvey, Haynes, Leet, Rhodes, and Shafter—9.

So the resolution was adopted as amended.

Mr. Sharp, by leave, introduced a bill for An Act amendatory of, and supplementary to, An Act to reimburse Mary B. Russell certain moneys expended by the Sisters of Mercy for the burial of the dead, approved April fifteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 25th, 1861. }

Mr. PRESIDENT:—The Assembly, on yesterday, concurred in Senate amendments to Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 274, An Act to amend an Act entitled An Act

to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes, for Road purposes in said County for the year eighteen hundred and sixty-one;

Also, Assembly Bill, No. 300, An Act to change the name of Green A. Suñiga to that of Alfred J. Hermozillo.

Also, Assembly Bill, No. 260, An Act to incorporate the City of Santa Clara, and to repeal certain Acts;

Also, Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized and Turnpike Road within the City and County of San Francisco;

Also, Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four;

Also, this day, passed Assembly Bill, No. 453, An Act to grant the right to construct a Turnpike Road between the Town of Mokelumne Hill and a point on the road to Stockton, at or near the Golden Gate Ranch, in the County of Calaveras;

Also, passed Assembly Bill, No. 482, An Act authorizing the Board of Supervisors of the County of San Bernardino to audit and allow the Claim of V. J. Herring;

Also, passed Assembly Bill, No. 458, An Act to amend An Act concerning the Officers of Calaveras County, and the collection of Poll Taxes, License Taxes, and Foreign Miners' Taxes, in said County, passed February twenty-sixth, eighteen hundred and fifty-nine;

Also, passed Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State;

Also, passed Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy;

Also, passed Assembly Bill, No. 465, An Act for the relief of Iredell M. Hart;

Also, passed Assembly Bill, No. 284, An Act to authorize J. C. Cissna to build a Wharf in the Bay of San Luis Obispo, and to construct a Road thereto;

Also, passed Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin, with amendments;

Also, passed Senate Bill, No. 305, An Act appropriating Money for the completion of the building for the State Reform School, and for other purposes connected therewith—with amendments, and an amended title, and ask the concurrence of the Senate;

Also, have adopted Assembly Concurrent Resolution, No. 56, Relative to State Capitol Building;

Also, adopted Assembly Concurrent Resolution, No. 59, Relative to destroying Coupons of War Bonds reserved by War Bond Commissioners—and request that the Senate concur therein;

Also, passed Assembly Bill, No. 458, An Act to amend an Act entitled An Act concerning the Officers of Calaveras County, and the collection of Poll Taxes, License Taxes, and Foreign Miners' License Taxes, in said County, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, have adopted the report of Free Conference on the disagreeing



vote of the two Houses upon Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks;

Also, passed, Senate Bill, No. 319, An Act to amend An Act to incorporate the City of Marysville;

Also, passed Assembly Bill, No. 463, An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company;

Also, passed Senate Bill, No. 318, An Act to amend an Act entitled An Act to create the office of State Printer, and to define the Duties and Compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof, and supplementary thereto—with an amendment, and ask the concurrence of the Senate;

Also, have instructed me to request the Senate to return to the Assembly Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin—the same having been reported to the Senate by mistake.

J. W. SCOBEEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 244—was ordered to be returned to the Assembly, pursuant to the above request.

Assembly Bill, No. 453, above reported—was read first and second times, and referred to the Calaveras Delegation.

Assembly Bill, No. 482, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 458, above reported—was read first and second times, and referred to the Calaveras Delegation.

Assembly Bill, No. 416, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 219, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 465, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 458, above reported—was read first and second times, and referred to the Calaveras Delegation.

Assembly Bill, No. 284, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 305, above reported—with Assembly amendments, was taken up, amendments read and concurred in.

Assembly Concurrent Resolution, No. 56, above reported—was read and referred to the Committee on State Prison and Public Buildings.

Assembly Concurrent Resolution, No. 59, above reported—was read and concurred in.

Assembly Bill, No. 463, above reported—was read first and second times, and referred to the Senator from Siskiyou.

Senate Bill, No. 318, above reported—with amendments, was taken up, amendments read and concurred in.

#### GENERAL FILE.

Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six—was taken up, read a third time, and passed.

Senate Bill, No. 267, An Act to repeal an Act entitled An Act requiring the Controller of State to sign certain Blanks and appoint a Deputy for that purpose—was taken up and indefinitely postponed.

Senate Bill, No. 122, An Act to provide for the measurement and inspection of Lumber and Shingles for the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, and referred to the San Francisco Delegation.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Monday, April 29th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Franklin asked and obtained leave of absence for Mr. Warmcastle for two days.

On motion of Mr. Gallagher one day's leave of absence was granted to Mr. Vance.

Mr. Thornton asked and obtained two days' leave of absence for Mr. Parks.

REPORTS.

Mr. Merritt, Chairman of the Committee on Engrossed Bills, made a verbal report on Senate Bill, No. 185, An Act to provide for the Engraving and Printing of State Controllers' Warrants—reporting the same correctly engrossed.

Mr. Dickinson made the following report:

Mr. PRESIDENT:—The Committee on Roads and Highways have considered a substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—and report the bill to the Senate with amendments and recommends its passage as amended.

The committee unanimously recommend the following addition to section fifteen:

“In case of the construction, or reparation, of a bridge crossing a stream which is the boundary of two counties, the Roadmasters and Supervisors of the several districts and counties connected by said bridge, shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expenses thereof shall be equally divided between said counties.”

Messrs. Shafter and Dickinson recommend the following amendment, Mr. Watt dissenting:

Strike out of section twenty-one, "the counties of Klamath, Sacramento, Sutter, Placer, San Joaquin, Humboldt, Sierra, Plumas, Nevada, Santa Barbara, and Amador."

DICKINSON,  
For the Committee.

Report received, and with bill, ordered to be placed at the head of the file.

Mr. Shafter in the Chair.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The undersigned Special Committee, to whom was referred Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties a legal tender for County Taxes in said Counties—have had the same under consideration and report the same back with amendments, and recommend its passage as amended.

HILL,  
MERRITT,  
Committee.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 27th, 1861. }

Mr. PRESIDENT:—The House has this day adopted Assembly Concurrent Resolution, No. 60, granting leave of absence to Hon. E. Burke, and ask that the Senate concur therein ;

Also, passed with an amendment, Senate Bill, No. 304, An Act to provide Revenue for the support of the Government of this State.

J. W. SCOBIEY,  
Assistant Clerk.

Assembly Concurrent Resolution, No. 60, above reported—was read and referred to the Senators from Tuolumne and Mariposa.

Senate Bill, No. 304, above reported—was considered, and Assembly amendments thereto concurred in.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined and found correctly engrossed Senate Bill, No. 362, An Act amendatory of, and supplementary to, An Act relating to the payment of Stewards of the San Francisco Fire Department.

MERRITT,  
Chairman.

April 27th, 1861.

Report accepted.

Mr. Thomas made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills respectfully report

as correctly enrolled Senate Bill, No. 312, An Act to organize a Board of Supervisors in and for the County of Tehama, and to district said County;

Also, Senate Substitute for Assembly Bill, No. 329, An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty;

Also, Senate Bill, No. 181, An Act in relation to the entry of Lands in certain cases;

Also, Senate Bill, No. 21, An Act to audit and allow the Claim of Peyton, Duer, Lake, and Rose, or their Assigns;

Also, Senate Bill, No. 325, An Act making an appropriation for Deficiencies for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one;

Also, Senate Bill, No. 216, An Act authorizing Charles H. Brindle, Andres Pico, and James R. Vineyard, to build and construct a Turnpike Road from the ex-Mission of San Fernando to the Arroyo de Santa Clara in Los Angeles County;

Also, Senate Bill, No. 332, An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain Lands that have, or may hereafter be purchased by the United States in the State of California, and to vest the jurisdiction over the same in the United States for the purpose herein specified—which bills were handed his Excellency the Governor at one o'clock, P. M. on the twenty-seventh day of April, eighteen hundred and sixty-one;

Also, Senate Bill, No. 320, An Act for the relief of Truman Wilcox;

Also, Senate Bill, No. 154, An Act entitled An Act in relation to the Water Front adjacent to Block Number Nine in the City and County of San Francisco;

Also, Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County;

Also, Senate Concurrent Resolution, No. 43, Relative to a Mail-Route between San Francisco and Japan;

Also, Senate Bill, No. 307.

The bills were handed his Excellency the Governor at one o'clock, P. M. on the twenty-seventh day of April, eighteen hundred and sixty-one.

PHILIP W. THOMAS,

Report accepted.

Chairman.

On motion of Mr. Burbank, Senate Bill, No. 65—was taken from unfinished business and placed at the head of the file for to-morrow.

Mr. Ryan moved to take up Senate Bill, No. 36, and place it at the head of the file.

Upon which, the ayes and noes were demanded by Messrs. Dickinson, Chase, and Ryan, and taken with the following result: Ayes, 6—noes, 8:

AYES—Messrs. Chase, Clark, Crittenden, Edgerton, Ryan, and Williamson—6.

NOES—Messrs. Burbank, Dickinson, Harvey, Heacock, Hill, Leet, Rhodes, and Shafter—8.

So the motion was lost.

#### INTRODUCTION OF BILLS.

Mr. Franklin, by leave, introduced a bill for An Act to authorize the Board of Supervisors of Tuolumne County to transfer certain Funds.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Rhodes, by leave, introduced a bill for An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara.

Read first and second times, and placed on file.

Mr. Williamson, by leave, introduced a bill for An Act to amend an Act entitled An Act to establish, maintain, and support, Common Schools, and to repeal former Acts concerning the same, approved May fifth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Tuolumne Delegation.

Mr. Gallagher, by leave, made a verbal report from the Calaveras Delegation recommending the passage of Assembly Bill, No. 458, An Act to amend An Act concerning the Officers of Calaveras County and the collection of Poll Tax, License Taxes, and Foreign Miners' Taxes, in said County, passed February twenty-sixth, eighteen hundred and fifty-nine.

Report received, rules suspended, bill read a third time by title, and passed.

On motion of Mr. Logan, Senate Bill, No. 183, was ordered to be taken from the unfinished business and placed at the head of the file for Friday next, May third.

Mr. Clark, Chairman of the Finance Committee, to whom was referred Senate Bill, No. 255, An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year—report the same back, verbally, recommending its passage.

Report received and bill placed on file.

#### RESOLUTIONS.

Mr. Hill offered the following resolution :

*Resolved*, That the State Prison Committee, to whom was referred Assembly Concurrent Resolution, No. 56, Relative to the State Capitol Contract, be, and they are hereby, authorized to send for persons and papers.

Adopted.

Mr. Harvey offered the following resolution :

*Resolved*, That the Controller of State be, and is hereby, directed to draw his warrant on the State Treasurer in favor of B. T. Hunt for twenty-six dollars, and Geo. N. Douglas for eighteen dollars, as witnesses before a Special Committee of the Senate on the claim of J. G. Plummer, payable out of the Contingent Fund of the Senate.

Adopted.

#### GENERAL FILE.

Assembly Substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, read a third time, and passed.

Assembly Bill, No. 408, An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public, or private, sale—was taken up, read a third time by title, and passed.

Assembly Bill, No. 204—was taken up, and laid on the table.

Senate Bill, No. 282, An Act amendatory of an Act entitled An Act

concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment.

Mr. Rhodes moved to amend by striking out all after the enacting clause and inserting the following:

"SECTION 1. In all criminal actions for grand larceny, or petit larceny, fruit of all kinds, whether gathered, or not, shall be deemed and considered as personal property.

SEC. 2. This act shall take effect and be in force from and after its passage."

Upon which, the ayes and noes were demanded by Messrs. Rhodes, Ryan, and Clark, and taken with the following result: Ayes, 13—noes, 7:

AYES—Messrs. Burbank, Clark, Crittenden, Denver, Eagan, Gallagher, Harvey, Haynes, Heacock, Hill, Leet, Rhodes, and Shafter—13.

NOES—Messrs. Chase, Franklin, Logan, Merritt, Ryan, Thornton, and Williamson—7.

So the amendment was adopted.

Rules suspended, bill considered engrossed, read a third time, and passed

Title amended by striking out the word "amendatory," and inserting the word "supplementary."

Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale—was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 270, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty, and other Acts amendatory thereof—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 299, An Act relating to the Coso Silver Mining Company—was taken up, and indefinitely postponed.

Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the Counties of Sonoma, Tulare, Marin, Mendocino, Napa, Alameda, and Solano—was taken up, and indefinitely postponed.

Senate Bill, No. 281, An Act concerning Salaries of certain County Officers in the County of Napa—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 314, An Act to amend an Act entitled An Act to regu-

late proceedings in Civil Cases in the Courts of Justice of this State—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendment, read a third time, and passed.

On motion of Mr. Thornton, Senate Bill, No. 336, An Act for the relief of the Sureties upon the recognizance of Michael Freel of the County of Sierra—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for An Act to grant to the San Francisco Market Street Railway Company the right to continue their Railway Track upon certain Streets within the City of San Francisco.

Read first and second times, and placed at the top of the file for Wednesday next, May first, eighteen hundred and sixty-one.

Mr. Edgerton, by leave, introduced a bill for An Act for the relief of the Heirs of Abraham Le Decurr, deceased.

Read first and second times, and referred to the Judiciary Committee.

Mr. Ryan, by leave, introduced a bill for An Act supplemental to an Act entitled An Act granting to William Fitzpatrick, and his Associates, the right to construct a Railroad in Contra Costa County.

Read first and second times, rules suspended, and bill further considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was also suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Thomas moved to adjourn.

Lost.

Mr. Chase called for the unfinished business as being next in order; the hour of two o'clock, p. m. fixed by the Rules for the consideration of the General File having passed.

Mr. Clark rose to a point of order—That the Senate had by vote, heretofore had, ruled that the General File was first in order after twelve o'clock, m. and took precedence of all other business.

The Chair ruled the point of order well taken, and announced the General File.

Mr. Ryan appealed.

Pending the action on which, on motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary.

## IN SENATE.

SENATE CHAMBER,

Tuesday, April 30th, 1861 }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. De Long, Chairman of the Committee on Corporations, to whom was referred Senate Bill, No. 327, An Act to repeal such Laws, and parts of Laws, as declare the American Fork, or River, or any portion thereof, navigable—reported the same back verbally, without recommendation.

Report received, and bill placed on file.

Mr. Harvey made the following report :

Mr. PRESIDENT :—The El Dorado Delegation, to whom was referred Assembly Bill, No. 474, An Act supplementary to an Act entitled An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine—have had the same under consideration, and report it back, and recommend its passage, without amendment.

O. HARVEY,

For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Bill reported back, without amendment, read a third time, and passed.

Mr. Haynes made the following report :

Mr. PRESIDENT :—The committee to whom was referred Assembly Bill, No. 463, entitled An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company—herewith report the same back, and recommend its passage.

J. P. HAYNES,

J. LOGAN,

Delegation.

Report received, rules suspended, bill considered, read a third time by title, and passed.

## COMMUNICATION FROM BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners :

OFFICE OF BOARD OF EXAMINERS,

Sacramento, April 29th, 1861. }

*To the Honorable the Senate of California :*

I herewith transmit to your Honorable Body the following claim, which has been rejected by the Board of Examiners, and from whose decision an appeal to the Legislature has been taken :

Claim, No. 217, J. F. Sterling, for two thousand dollars.

JOHN G. DOWNEY,

President Board of Examiners.



Received, and together with accompanying documents, referred to the Committee on Claims.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 29th, 1861.

*To the Honorable the Senate of California :*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 320, An Act for the relief of Truman Wilcox ;

Also, Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County ;

Also, Senate Bill, No. 181, An Act in relation to the Entry of Lands in certain cases, and to provide for the issuance of Patents therefor ;

Also, Senate Bill, No. 332, An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain Lands that have, or may hereafter be purchased by the United States in the State of California, and to test the jurisdiction over the same in the United States for the purpose herein specified ;

Also, Senate Bill, No. 312, An Act to organize a Board of Supervisors in and for the County of Tehama, and to district said County ;

Also, Senate Bill, No. 21, An Act to audit and allow the Claim of Peyton Duer, Lake, and Rose, or their Assigns ;

Also, Senate substitute for Assembly Bill, No. 320, An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty ;

Also, Senate Bill, No. 325, An Act making an Appropriation for Deficiencies for the Twelfth Fiscal Year, ending the thirtieth day of June, eighteen hundred and sixty-one.

JOHN G. DOWNEY,  
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 29th, 1861. }

Mr. PRESIDENT :—I am directed to inform the Senate that the Assembly has this day instructed me to return to the Senate that portion of Senate message which is addressed by the Senate to the Assembly in relation to certain charges against S. Wittgenstein, an Attaché of the Senate.

That portion of the message I am instructed to return is herewith presented as follows :

“And with the desire of doing justice in the premises, have appointed a committee to examine the charges mentioned in said resolution, viz : Messrs. Eagan, Thornton, and Shafter.

The Assembly will perceive at once that an investigation of the character proposed will necessarily involve its privileges and the character of its members, and that as the charges come from the Assembly, it is eminently proper that body should conduct the prosecution.

I am therefore instructed by the Senate to inform you that they invite the Assembly to appear before said Senate Committee by such agents as they may be pleased to appoint, and make proof of the charges contained in said resolution.”

J. M. ANDERSON,  
Clerk of the Assembly.

The above message was read and referred to the Special Committee of three heretofore appointed by the Senate, to consider the matter relative to the charges made by the Assembly against Samuel Wittgenstein.

HOUSE OF ASSEMBLY, }  
April 29th, 1861. }

**MR. PRESIDENT:**—On the twenty-seventh instant, the House passed Senate Bill, No. 191, An Act to appropriate Money to pay the Claim of L. B. Richardson—with amendment ;

Also, passed Senate Bill, No. 359, An Act to grant the right of way to the City and County of Sacramento for the purpose of Drainage from the City of Sacramento ;

Also, concurred in Senate Concurrent Resolution, No. 31, Relative to adjourning *sine die*—with amendments ;

Also, passed Senate Bill, No. 352, An Act to grant Guillermo Carrillo and his Assigns, the right to supply the Inhabitants of the Town of Santa Barbara with Fresh Water ;

Also, passed Senate Bill, No. 363, An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa, approved March fifth, eighteen hundred and fifty-eight ;

Also, passed Assembly Bill, No. 334, An Act to provide for the payment of the Claim of W. W. Upton, for certain Services therein mentioned ;

Also, passed Assembly Bill, No. 104, An Act to amend Section Forty-Seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three.

Also, passed Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of the Boards of Supervisors of certain Counties of this State, and to fix the Compensation of the Board of Supervisors of Mendocino County ;

Also, passed Assembly Bill, No. 338, An Act to authorize Martin P. Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County ;

Also, passed Assembly Bill, No. 246, An Act to amend an Act supplementary to An Act concerning the Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three ;

Also, passed Assembly Bill, No. 350, An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases.

J. W. SCOBAY,  
Assistant Clerk.

Senate Bill, No. 191, above reported—was considered, and Assembly amendments thereto concurred in.

Senate Concurrent Resolution, No. 31, reported back, with amendments—was taken up and being considered, when the hour of half past eleven o'clock, A. M. arrived, at which hour there being a special order, the same was taken up and postponed for ten minutes.

Mr. Logan moved to make the resolution the special order of the day for Saturday, May fourth, at half-past eleven o'clock, A. M.

Upon which motion, the ayes and noes were demanded, by Messrs. Ryan, De Long, and Merritt, and taken with the following result : Ayes, 12—noes, 19 :

**AYES**—Messrs. Eagan, Gallagher, Harvey, Heacock, Logan, Merritt, Rhodes, Ryan, Thomas, Thornton, Vance, and Williamson—12.

**NOES**—Messrs. Burbank, Chase, Clark, De Long, De la Guerra, Denver, Edgerton, Franklin, Haynes, Hill, Irwin, Leet, Parks, Phelps, Pico, Shafter, Sharp, Warmcastle, and Watson—19.

So the motion was lost.

Mr. Merritt then moved to make the resolution the special order of the day for Thursday next, May second, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

Upon which motion, the ayes and noes were demanded, by Messrs. Eagan, Williamson, and Sharp, and taken with the following result: Ayes, 18—noes, 18:

AYES—Messrs. Eagan, Gallagher, Heacock, Irwin, Logan, Merritt, Rhodes, Ryan, Thomas, Thornton, Vance, Watson, and Williamson—13.

NOES—Messrs. Burbank, Chase, Clark, De Long, De la Guerra, Denver, Edgerton, Franklin, Harvey, Haynes, Hill, Leet, Parks, Phelps, Pico, Shafter, Sharp, and Warmcastle—18.

So the motion was lost.

Mr. Phelps moved to place the resolution at the head of the file.

Lost.

Mr. Parks, by leave, moved to take up Senate Bill, No. 54, and make it the special order for two o'clock, P. M.

Upon which motion, the ayes and noes were demanded, by Messrs. Harvey, Parks, and Thomas, and taken with the following result: Ayes, 23—noes, 8:

AYES—Messrs. Burbank, Chase, Clark, De Long, De la Guerra, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Thomas, Vance, Warmcastle, and Williamson—23.

NOES—Messrs. Denver, Eagan, Irwin, Leet, Shafter, Sharp, Thornton, and Watson—8.

So the motion prevailed, and the bill was made the special order for two o'clock, P. M.

The hour of twelve o'clock, M. having arrived, Mr. Eagan called for, and demanded, the consideration of the file under the rules.

So the resolution under consideration, together with the Assembly Bills reported in the foregoing message, were placed 'on unfinished business, and the general file taken up.

#### GENERAL FILE.

President *pro tem.* in the Chair.

Senate Bill, No. 65, An Act to fix and regulate the Fees and Salary of Officers in the City and County of San Francisco—was taken up, considered in Committee of the Whole, substitute reported by the San Francisco Delegation rejected, and bill amended.

#### IN SENATE.

The hour of two o'clock, P. M. having arrived, the special orders were called for and taken up.

So Senate Bill, No. 65, went to unfinished business.

#### SPECIAL ORDERS.

The first special order being Assembly Bill, No. 353—the same was taken up and laid on the table.

The second special order being Senate Bill, No. 256—was taken up and laid on the table.

The next special order being Assembly Bill, No. 54, An Act to provide

for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Mr. Logan moved to adjourn.

Lost.

Mr. Chase moved to place the bill under consideration at the top of the file for to-morrow.

Lost.

Mr. Eagan moved to adjourn.

Lost.

Mr. Sharp moved to make the bill the special order of the day for to-morrow, May first, at two o'clock, P. M.

Agreed to, and so ordered.

Mr. Harvey made a verbal report on Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies—reporting the same back, without further recommendation.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 270, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof;

Also, Senate Bill, No. 281, An Act concerning Salaries of certain County Officers in the County of Napa—and report the same correctly engrossed.

MERRITT,

Chairman.

On motion of Mr. Harvey, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, May 1st, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Mr. Thomas made the following report:

Mr. PRESIDENT:—The Senate Enrolling Committee make the following report:

Said committee have examined and report as correctly enrolled Senate Bill, No. 318, An Act to amend An Act to create the office of State Printer

and define the duties and compensation thereof, and to provide for the time and manner of Election, approved May first, A. D. eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto;

Also, Senate Bill, No. 319, An Act to amend An Act to incorporate the City of Marysville;

Also, Senate Bill, No. 305, An Act appropriating Money for the completion of the building for the State Reform School and for other purposes connected therewith—which bills were handed to his Excellency the Governor on April thirtieth, at four o'clock, P. M.

PHIL. W. THOMAS,  
Chairman.

Report accepted.

Mr. De Long made the following report:

Mr. PRESIDENT:—The Committee on Corporations, to whom was referred Senate Bill, No. 42, and Assembly Bills, Nos. 9, 32, and 34—having had the same under consideration report the same back and recommend the passage of Assembly Bills, Nos. 32 and 34, without amendment, and the passage of Assembly Bill, No. 9, with amendment, and also recommend the indefinite postponement of Senate Bill, No. 42.

Amend Assembly Bill, No. 9, by inserting the name of P. S. Palmstream "after the name of "Isaac P. Smith," wherever the same occurs in the bill.

C. E. DE LONG,  
Chairman.

Report received, and with bills, placed on file.

Mr. Clark made the following report:

Mr. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 245, An Act fixing the number of Officers and Employés of the Senate and Assembly, to define their duties, and establish their pay—have had the same under consideration and report the same back with certain amendments, the adoption of which they recommend, and when so amended they recommend the passage of the bill.

CLARK,  
Chairman.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back, and pending the action thereon, Mr. Vance called for the special order of the day, which was taken up.

On motion of Mr. De Long postponed for ten minutes.

The consideration of the bill was then resumed and the amendments adopted in Committee of the Whole concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Parks, by leave, introduced a bill for An Act amendatory of, and supplementary to, an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

#### SPECIAL ORDER.

The special order being the motion of Mr. Watt to reconsider the vote

by which the Senate on the twenty-fifth of April receded from their amendments made on the nineteenth of April to Assembly Bill, No. 254, An Act relative to Telegraphs.

The ayes and noes were demanded by Messrs. De Long, Eagan, and Watt, and taken with the following result: Ayes, 6—noes, 18:

**AYES**—Messrs. Eagan, Merritt, Thomas, Watson, Watt, and Williamson—6.

**NOES**—Messrs. Burbank, Clark, De Long, De la Guerra, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Parks, Phelps, Pico, Rhodes, Ryan, and Vance—18.

So the motion was lost and the Senate refused to reconsider.

Mr. Hill made the following report:

**MR. PRESIDENT:**—The Joint Committee of the Senate and Assembly on the State Prison, having had under consideration the Claim of John Center for a tract of land of sixteen acres adjoining the State Prison, and also for certain personal property—beg leave to submit the following report:

Your committee have examined all the evidence touching the matter in question and find that the said John Center has a legal equitable claim against the State. The facts regarding the matter may be briefly stated as follows:

The State purchased the land in question of one Archibald Wood, since deceased, from whom it received a quitclaim deed. Wood's title was derived from the San Francisco Manufacturing Company.

Before the property was conveyed to Wood by said San Francisco Manufacturing Company, a suit was commenced against that company in the Twelfth Judicial District Court by one Thomas Young, and the Sheriff levied a writ of attachment on the property. The suit resulted in a judgment in favor of Young, upon which judgment the property was sold, and the title became vested in Center as the Assignee of Young. The attachment was duly levied before Wood's deed was made, and hence the title of Center as Assignee of Young is older and better than that of the State.

Your committee further find that the said Center during the year eighteen hundred and sixty, recovered judgment in an action of ejectment against John F. McCauley, (then in possession,) in the District Court of the Seventh Judicial District, in the county of Marin, for the restitution and possession of the said property, and from which no appeal has been taken, and the same now remains in full force and effect.

Your committee would further state that a portion of the personal property consisted in buildings which have been demolished and a portion of the material used in the construction of other buildings. There remains a large steam engine and boiler of some thirty-five or forty horse power, which your committee believe can be put in good running order at a moderate cost, and which can be used advantageously for the propulsion of machinery in the contemplated factories within the prison walls.

Your committee have carefully examined all the evidence within their reach, and the result is that they are satisfied that the claim is just and equitable, and that the State cannot successfully resist the payment of the same. Nevertheless, in view of all the circumstances, they consider it is a fair subject of compromise. They would therefore recommend that the State pay to the said John Center the sum of twelve thousand

dollars in consideration that he give a full release to the State of all claims that he may hold against it.

The report of Mr. Heacock, Chairman of sub committee to examine title to State Prison property, as also other documents filed in evidence with your committee in favor of said claim are referred to and made a part of this report. In conformity with the recommendations of this report your committee would recommend the passage of the accompanying bill as a substitute of Senate Bill, No. 186.

HILL,

Chairman.

Report received, and with bill, placed on file.

Mr. Phelps, by leave, moved to take up Senate Bill, No. 73, An Act to provide for the Sale of the Marsh and Tide Lands of this State, that a Free Conference might be appointed upon the disagreeing vote of the two Houses thereon.

Agreed to.

Bill taken up, and Committee of Free Conference appointed consisting of Messrs. Phelps, Parks, and Warmcastle.

On motion of Mr. Shafter, Assembly Substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—was taken up.

On motion, the Senate refused to recede from their amendments heretofore made thereto, and appointed the Committee on Roads and Highways as a Committee of Free Conference upon the disagreeing vote of the two Houses thereon.

Mr. Parks in the Chair.

#### GENERAL FILE.

Senate Bill, No. 370, An Act to grant to the San Francisco Market Street Railroad Company the right to continue their Railway Track upon certain Streets within the City of San Francisco—was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and referred to the San Francisco Delegation with instructions to report the same back to-morrow morning by half past eleven o'clock, A. M. at which time the bill was made the special order of the day.

Mr. Clark, by leave, moved to take up and consider Assembly Bill, No. 258, An Act to grant the right to construct a Bridge across the American River to certain parties—was agreed to and bill taken up.

The question being upon the adoption of the recommendation of the committee to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. De Long, Heacock, and Clark, and taken with the following result: Ayes, 6—noes, 20:

AYES—Messrs. Clark, Dickinson, Heacock, Irwin, Parks, and Shafter—6.

NOES—Messrs. Chase, Crittenden, De Long, Denver, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Hill, Leet, Logan, Rhodes, Ryan, Sharp, Thornton, Warmcastle, Watson, and Watt—20.

So the Senate refused to indefinitely postpone the bill.

The bill was then considered in Committee of the Whole.

## IN SENATE.

Mr. Heacock called for the special order of the day, Assembly Bills, Nos. 270 and 274—which were taken up.

Mr. De Long moved to postpone the consideration of the special order until Assembly Bill, No. 253, was disposed of.

Upon which, the ayes and noes were demanded by Messrs. Heacock, Clark, and Thomas, and taken with the following result: Ayes, 20—noes, 8:

AYES—Messrs. Burbank, Crittenden, De Long, Denver, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Hill, Leet, Logan, Phelps, Ryan, Sharp, Thornton, Warmcastle, Watson, and Watt—20.

NOES—Messrs. Chase, Clark, Heacock, Merritt, Parks, Pico, Shafter, and Thomas—8.

So the motion prevailed, the special order was postponed, and Assembly Bill, No. 258, was again taken up and considered in Committee of the Whole.

## IN SENATE.

Bill reported back without amendment.

Mr. Clark moved to strike out the proviso to section four.

Upon which, the ayes and noes were demanded by Messrs. Clark, Heacock, and Shafter, and taken with the following result: Ayes, 9—noes, 18:

AYES—Messrs. Chase, Clark, Dickinson, Heacock, Irwin, Parks, Phelps, Rhodes, and Shafter—9.

NOES—Messrs. Crittenden, De Long, De la Guerra, Denver, Eagan, Edgerton, Franklin, Gallagher, Harvey, Leet, Logan, Pico, Ryan, Sharp, Thornton, Warmcastle, Watson, and Watt—18.

So the motion was lost.

Mr. Clark then moved to amend by inserting after the word “unless,” in the last line of the bill the words “in the opinion of the Board of Supervisors of the city and county of Sacramento.”

Upon which, the ayes and noes were demanded by Messrs. Clark, Shafter, and Watson, and taken with the following result: Ayes, 7—noes, 19:

AYES—Messrs. Burbank, Chase, Clark, Dickinson, Heacock, Irwin, and Shafter—7.

NOES—Messrs. Crittenden, De Long, De la Guerra, Denver, Eagan, Edgerton, Franklin, Gallagher, Harvey, Leet, Logan, Parks, Pico, Ryan, Sharp, Thornton, Warmcastle, Watson, and Watt—19.

So the motion was lost.

The question recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Eagan, Heacock, and Watt, and taken with the following result: Ayes, 22—noes, 5:

AYES—Messrs. Chase, Crittenden, De Long, De la Guerra, Denver, Eagan, Edgerton, Franklin, Gallagher, Harvey, Hill, Irwin, Leet, Logan, Pico, Ryan, Sharp, Thomas, Thornton, Warmcastle, Watson, and Watt—22.

NOES—Messrs. Clark, Dickinson, Heacock, Parks, and Shafter—5.

Mr. Denver, by leave, presented the account of Gelwicks & January for



newspapers furnished to Senate at the present Session, amounting to the sum of eighteen dollars.

Received, and referred to the Committee on Contingent Expenses.

Mr. De Long in the Chair.

Mr. Sharp, by leave, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate Bill, No. 342, An Act to provide for the Survey of the Boundary Line between the State of California and Nevada Territory—have had the same under consideration and report the same back with the accompanying proposed amendments to the Constitution and recommend the indefinite postponement of the bill, and that the amendments to the Constitution be agreed to.

SHARP,  
Chairman.

Report received, and with proposed amendments to the Constitution, placed on file.

#### SPECIAL ORDER.

Assembly Bills, Nos. 270 and 54—being the special order of the day, was called for and taken up.

Mr. Ryan moved to postpone the consideration of the special orders for fifteen minutes.

Upon which, the ayes and noes were demanded by Messrs. Parks, Ryan, and Eagan, and taken with the following result: Ayes, 19—noes, 10:

AYES—Messrs. Chase, Crittenden, De Long, De la Guerra, Denver, Eagan, Edgerton, Franklin, Hill, Irwin, Logan, Merritt, Pico, Ryan, Sharp, Thomas, Thornton, Vance, and Watson—19.

NOES—Messrs. Burbank, Clark, Dickinson, Harvey, Heacock, Parks, Phelps, Rhodes, Shafter, and Warmcastle—10.

So the motion prevailed, and the special orders were postponed for fifteen minutes.

Mr. Shafter asked leave to make a report although out of the regular order of business.

Objection being made the question was put to the Senate, Shall the Senator have leave to make a report at this time.

Lost.

Mr. Edgerton, by leave, moved to take up Senate Bill, No. 430.

Upon which, the ayes and noes were demanded by Messrs. Shafter, Burbank, and Heacock, and taken with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Chase, De la Guerra, Denver, Eagan, Edgerton, Franklin, Gallagher, Hill, Irwin, Logan, Merritt, Pico, Ryan, Sharp, Thomas, Thornton, Watson, and Watt—18.

NOES—Messrs. Burbank, Clark, Dickinson, Harvey, Haynes, Heacock, Leet, Parks, Phelps, Rhodes, Shafter, and Warmcastle—12.

The Chair announced the vote and declared the motion carried.

Mr. Parks arose to a point of order—That the motion involved a change of the order of business and required a two-third vote, therefore the motion was lost.

The Chair ruled the point of order not well taken.

Mr. Clark appealed.

The question then being, Shall the decision of the Chair stand as the judgment of the Senate?

Upon which, the ayes and noes were demanded by Messrs. Phelps, Clark, and Parks, and taken with the following result: Ayes, 2—noes, 21:

AYES—Messrs. Sharp and Watson—2.

NOES—Messrs. Burbank, Chase, Clark, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, and Thomas—21.

So the ruling of the Chair was not sustained, and the motion to take up Senate Bill, No. 430, was lost.

#### SPECIAL ORDER.

Assembly Bill, No. 270, was again taken up, and on motion of Mr. Sharp, made the special order of the day for two o'clock, P. M. to-morrow.

Assembly Bill, No. 54, was then again taken up, and considered in Committee of the Whole, and further amended.

#### IN SENATE.

Bill reported back and amendments concurred in.

Mr. Parks moved to place the bill at the head of the file for to-morrow.

Mr. Sharp rose to a point of order, that there was not a quorum present, consequently the Senate could not transact business.

The Chair directed the Secretary to count the Senate, and ascertaining from the count that there was not a quorum present, ruled the point of order well taken.

Mr. Parks moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Chase, Crittenden, Denver, Dickinson, Eagan, Franklin, Gallagher, Irwin, Leet, Pico, Ryan, Thomas, Thornton, Vance, Watt, Williamson, and Mr. President.

Mr. Eagan appearing at the bar of the Senate, was admitted and excused.

Quorum present.

On motion of Mr. Sharp, further proceedings under the call were dispensed with.

Question upon the passage of the bill.

Mr. Parks withdrew his motion to place at the head of the file.

Mr. Eagan arose to a point of order, that there was no quorum present, consequently the Senate could do no business.

The Chair ruled the point of order well taken.

Mr. Heacock moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Chase, Crittenden, Denver, Dickinson, Franklin, Gallagher, Irwin, Leet, Pico, Ryan, Thomas, Thornton, Vance, Watkins, Watson, Watt, Williamson, and De la Guerra.

Mr. Leet and Mr. Watson appearing at the bar of the Senate, were admitted and excused.

Mr. Phelps moved to dispense with further proceedings under the call.

Agreed to.

Mr. Parks again moved a call of the Senate, and that the acting Presi-

dent be directed to issue his process for the absentees, as provided for under Rule Eighteen.

Carried.

Roll called, and Sergeant-at-Arms dispatched with process after the absentees—Messrs. Chase, Crittenden, Denver, Dickinson, Franklin, Gallagher, Irwin, Leet, Pico, Ryan, Thomas, Thornton, Vance, Watson, Watt, Williamson, and De la Guerra.

Mr. Watson appearing at the bar of the Senate, was admitted.

Mr. Merritt moved that Senator Watson be excused.

Lost.

Messrs. Crittenden, Chase, and Dickinson, appearing at the bar of the Senate, were admitted and excused.

On motion of Mr. Eagan, Senator Watson was excused.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Sharp, Watson, and Eagan, and taken with the following result: Ayes, 10—noes, 5:

AYES—Messrs. Crittenden, De Long, Heacock, Hill, Logan, Merritt, Parks, Phelps, Shafter, and Warmcastle—10.

NOES—Messrs. Burbank, Dickinson, Eagan, Sharp, and Watson—5.

The following Senators were present, and declined voting on account of being paired off with absent Senators, as follows: Mr. Chase with Mr. Williamson, Mr. Clark with Mr. Thomas, Mr. Edgerton with Mr. De la Guerra, and Mr. Harvey with Mr. Thornton.

The Chair announced the vote to be ten in the affirmative and five in the negative.

Mr. Sharp arose to a point of order, that there was not a quorum voting, consequently the bill could not be passed.

The Chair ruled the point of order not well taken, that there was a quorum present, which was all that the Constitution, or the rules of the Senate, required.

Mr. Watson appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? was put and lost.

So the Chair was not sustained.

After discussion, a new roll call being demanded, the Secretary, under the direction of the Chairman, called the roll, with the following result: Ayes, 12—noes, 9:

AYES—Messrs. De Long, Edgerton, Harvey, Heacock, Hill, Logan, Parks, Phelps, Rhodes, Shafter, Warmcastle, and Watson—12.

NOES—Messrs. Burbank, Chase, Clark, Crittenden, Dickinson, Eagan, Haynes, Merritt, and Sharp—9.

So the bill passed.

The title was amended as follows: By adding after the word "reclamation," the words "and segregation;" and after the word "overflowed," insert the words "and salt marsh and tide."

Mr. Logan gave notice that he would, on to-morrow, move to reconsider the vote by which the bill passed.

The following report was received from the Committee on Engrossed Bills:

Mr. PRESIDENT:—The Committee on Engrossed Bills, have examined

Senate Bill, No. 314, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof;

Also, Senate Bill, No. 282, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale—and report the same correctly engrossed.

MERRITT,  
Chairman.

Mr. Merritt, for Mr. Ryan, gave notice that he would, on to-morrow, move to amend the Twenty-Seventh Standing Rule of the Senate, so that the time of meeting shall be ten o'clock, A. M.; also, Standing Rule Forty-Seven, by striking out the words, "at least."

Mr. Shafter, by leave, made a verbal report, recommending the passage of Senate Bill, No. 290, with certain amendments reported therewith.

Report received, and bill placed on file.

On motion of Mr. Logan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, May 2d, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Shafter, from the San Francisco Delegation, to whom was referred Senate Bill, No. 370, An Act to grant to the San Francisco Market Street Railway Company the right to continue their Railway Track upon certain Streets within the City of San Francisco—reported the same back verbally, with certain amendments, and recommended the passage of the bill when so amended.

Report received, bill considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Clark offered the following resolution:

*Resolved*, That the Controller of State draw his warrant on the Treas-

urer, payable out of the Contingent Fund of the Senate, in favor of Z. L. Garwood, for the sum of fifty dollars, being for one month's rent in advance for the month of May of rooms Nos. 1 and 5, in Garwood's Building, occupied by the Committees on Claims and Finance.

Adopted.

#### REPORTS.

Mr. Sharp made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration, report as follows :

Senate Bill, No. 19, An Act concerning Prescription—recommend its indefinite postponement, Mr. Sharp dissenting;

Also, communication from Attorney-General, March twentieth, eighteen hundred and sixty-one—report the same back, without recommendation;

Also, Assembly Bill, No. 174, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—recommend its indefinite postponement, Mr. Sharp dissenting;

Also, petition of the Chamber of Commerce of San Francisco to the Legislature in relation to the abrogation of Section Thirty-Two and Section Thirty-Six of the Constitution—report the same back, and recommend that it be considered in connection with the proposed amendments to the Constitution.

SOL. A. SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Phelps made the following report :

Mr. PRESIDENT:—Your Committee on Agriculture, to whom was referred the report of the State Agricultural Society—have had the same under consideration, and report the same back, with the accompanying bill, and recommend the passage of the bill.

T. G. PHELPS,  
Chairman.

Report received, bill read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Shafter made the following report :

Mr. PRESIDENT:—The committee, to whom was referred the resolution of the Assembly requesting the Senate to discharge S. Wittgenstein, an Attaché of the Senate, from the public service—beg leave to report that they have taken all the testimony which they have deemed expedient, and all that has been furnished them, and that having duly considered the same, have arrived at the following conclusions :

*First*—That said Wittgenstein is not, and has not been, an Attaché of the Senate over whom the Senate has any direct control, but that he is a hired copyist, employed by the Secretary of the Senate.

This fact, however important it may have been thought elsewhere, this committee do not deem essential, as we should not hesitate to recommend enforcing the dismissal of the accused, by operating directly upon the Secretary of the Senate, did we consider the circumstances demanded his removal.

*Second*—The committee are unable to find from the testimony that said

Wittgenstein endeavored to obtain money from one McCauley, for the purpose indicated in the Assembly Resolution. We do, however, find that he told McCauley, in substance, that the Chairman of the Committee on Claims of said Assembly was purchasable, and that he was in the habit of reporting upon claims from improper motives; but we think that neither the motive to receive money himself, nor to cause money to be paid to said Chairman, is proved. It is quite apparent that no such motive can be found without likewise finding full complicity between said Wittgenstein and said Chairman, a result to which we do not feel authorized to arrive, unless upon full and satisfactory proof.

We are constrained to find, further, that the reputation of the party indicated by Wittgenstein's declaration was in accordance to such declaration; and, we further think, that under the circumstances, and in view of the contingencies to which all the parties seem to have addressed themselves, that the passage of the accompanying resolution is the only proper action on the part of the Senate.

We further beg to state, that we have retained the testimony on which we have acted, believing that no good purpose would be subserved by spreading the same upon the records of this body.

JOHN A. EAGAN,  
HARRY I. THORNTON, JR.  
J. McM. SHAFTER.

The resolution reported from the committee was read as follows :

*Resolved*, That the Senate decline to accede to the request of the Assembly, requesting the Senate to order the discharge of S. Wittgenstein from the public service.

Adopted.

Mr. Phelps made the following report :

MR. PRESIDENT:—Your committee, to whom was referred the duties of ascertaining the condition of the militia of this State, number of companies organized, officers commissioned, number of militia and condition of State arms, etc. under a resolution passed by the Senate, February twentieth, eighteen hundred and sixty-one—have performed the duties enjoined, and have the honor to submit the following report :

Upon assuming the duties directed by the resolution, we did not find upon the records of the Quartermaster and Adjutant-General's department all the information that appeared to us to be requisite to a practical knowledge of the actual condition of the military force of the State in respect to its numbers, equipment, or efficiency. As this knowledge was indispensable to a proper and correct report under your resolution, we endeavored to obtain the same by publishing a notice, of which a copy may be found in the appendix to this report, marked "A," requesting the commanders of military companies in the various counties of the State to forward to Sacramento a statement of the present condition, etc. of the companies under their command. We also addressed the County Clerks of the various counties upon the subject, requesting any information they might be able to give relating to military organizations within their respective counties.

The information we have thus obtained has more than met our anticipations, and it is gratifying to state that the response to our request has been so general, that we are enabled to present in this report a pretty correct history, as well as the present condition of the militia of Califor-

nia. The information derived in pursuance of the request referred to has been made available by being incorporated with the information obtained from papers on file in the office of the Quartermaster and Adjutant-General. Commanders of several of the military companies of the State have given us all the knowledge contained in this report respecting their companies, their organization, and present condition, as there was nothing on file in the proper office. As to the condition and whereabouts of many of the arms issued by the State, the correspondence of which extracts may be found in appendix, marked "B," and also papers numbered twenty-seven, twenty-eight, twenty-nine, thirty-two, and thirty-four, will give some important and lucid light on the subject.

As to the value of the bonds on file in the Quartermaster and Adjutant-General's office, given for the safe keeping and proper care of arms and munitions, issued by the State, very few of them are of any account whatever. Most of them date back to eighteen hundred and fifty-four and eighteen hundred and fifty-five. Many of the bondsmen have left the State, some deceased, and others insolvent. Those deemed good are thus designated in the proper place in this report.

From the confusion in which the papers in the office of the Quartermaster were found, much care and search has been required to obtain whatever information has been gleaned therefrom. We leave, however, the desk of that office in proper shape. The papers on file relating to military companies are now properly assorted and placed in a condition to be easily referred to. As to books in the office of the Quartermaster, we find several, but none that give a detailed, or consecutive, history of the transactions of that department. There may be other books containing a complete record of the office, but they have not come to our notice.

The value of arms and accouterments received from the General Government for the three years preceding eighteen hundred and fifty-six, was, as by the report of the Quartermaster-General, about fifty thousand dollars, to which add ten thousand dollars, which would be about the value of the arms and accouterments that have been received since January, eighteen hundred and fifty-six, as far as we can ascertain, and the total amount would be sixty thousand dollars, of which amount about one-half is lost to the State, without any possible hope of recovery.

In the report of the Quartermaster-General to the Legislature of eighteen hundred and fifty-five, he says: "California has now the ability to supply her troops annually with arms and munitions of war to the value of fifteen thousand dollars, this being the amount of her yearly quota received from the General Government."

If California has received the above mentioned amount of arms during the years since the above extract was written, the grand total would be swelled to about one hundred and twenty-five thousand dollars, but the yearly quota has probably not been received; the reasons why they are not we are unable to state.

We have examined all the documents found on file, and respectfully submit the result. From the evidence obtained we find there has been issued four hundred and eighteen commissions, amounting in the aggregate to two thousand and ninety dollars, of which amount the sum of five dollars and fifteen cents is now in the hands of the Secretary of State, being for commissions collected by him from January, eighteen hundred and sixty, the balance of said amount being one thousand five hundred and seventy-five dollars, has not been accounted for, or paid in, at the office of the Controller of State.

T. G. PHELPS,  
W. H. PARKS,  
S. T. LEET.

Report received, and together with accompanying documents and appendix, ordered printed.

Mr. Ryan moved to take Senate Bill, No. 36, from unfinished business, and place it second on the file.

Upon which motion, the ayes and noes were demanded, by Messrs. Shafter, Sharp, and Leet, and taken with the following result: Ayes, 23—noes, 7:

AYES—Messrs. Chase, Clark, Crittenden, De Long, De la Guerra, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Irwin, Logan, Pico, Sharp, Thornton, Vance, Warmcastle, Watson, Watt, and Williamson—23.

NOES—Messrs. Burbank, Heacock, Leet, Parks, Phelps, Rhodes, and Shafter—7.

So the motion prevailed, and the bill was taken up and placed second on file.

Mr. Logan, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Assembly Bill, No. 54.

Upon which motion, the ayes and noes were demanded, by Messrs. Crittenden, Harvey, and Leet, and taken with the following result: Ayes, 14—noes, 16:

AYES—Messrs. Burbank, Crittenden, Denver, Dickinson, Eagan, Haynes, Irwin, Leet, Logan, Sharp, Thornton, Watson, Watt, and Williamson—14.

NOES—Messrs. Chase, Clark, De Long, Edgerton, Gallagher, Harvey, Heacock, Hill, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Vance, and Warmcastle—16.

So the Senate refused to reconsider.

Mr. Dickinson in the Chair.

#### GENERAL FILE.

Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies—was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendments concurred in.

The question then being upon ordering the bill to be read a third time.

Upon which, the ayes and noes were demanded by Messrs. Shafter, Watt, and Harvey, and taken with the following result: Ayes, 17—noes, 8:

AYES—Messrs. Clark, De Long, Denver, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Logan, Parks, Rhodes, Sharp, Thomas, Thornton, Vance, and Warmcastle—17.

NOES—Messrs. Dickinson, Eagan, Franklin, Leet, Shafter, Watson, Watt, and Williamson—8.

So the bill was read a third time, and the question being, Shall the bill pass?

Upon which, the ayes and noes were demanded by Messrs. Shafter, Watson, and Harvey, and taken with the following result: Ayes, 14—noes, 9:

AYES—Messrs. Clark, De Long, Denver, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Parks, Rhodes, Vance, and Warmcastle—14.



**NOES**—Messrs. Dickinson, Eagan, Franklin, Phelps, Shafter, Sharp, Watson, Watt, and Williamson—9.

So the bill passed.

Mr. Harvey moved to amend the title so as to conform to the amendments made to the bill.

Carried, and titled so amended.

Mr. Vance moved to reconsider the vote by which the bill passed.

Mr. Leet gave notice that he would on to-morrow move to reconsider the vote by which the bill passed, and the Chair directed the Secretary to take down the notice.

Mr. De Long arose to a point of order—That the Senator from Butte, (Mr. Vance,) had made a motion to reconsider now, which motion had been seconded, and was first in order, therefore it was not in order for the Senator from Placer, (Mr. Leet,) to give his notice, there being a motion pending.

The Chair ruled the point of order not well taken—That when the Senator from Butte, (Mr. Vance,) made his motion, the motion of Mr. Harvey to amend the title of the bill was still pending, consequently his motion was not in order, and that after the title had been amended, and before Mr. Vance renewed his motion, Mr. Leet had given his notice, therefore the notice was first in order.

Mr. De Long appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? was put, and lost.

So the decision of the Chair was not sustained.

Under the ruling of the Senate the question then was on the motion of Mr. Vance to reconsider the vote now by which the bill passed.

Mr. Eagan moved to adjourn.

Lost.

Mr. Ryan moved the previous question.

The question then being, Shall the main question be now put? was put and carried.

The main question being the motion to reconsider the vote by which the Senate passed Assembly Bill, No. 393.

Upon which, the ayes and noes were demanded by Messrs. Sharp, Heacock, and Phelps, and taken with the following result: Ayes, 11—noes, 14:

**AYES**—Messrs. Burbank, De la Guerra, Eagan, Leet, Logan, Merritt, Phelps, Shafter, Sharp, Watson, and Williamson—11.

**NOES**—Messrs. Chaso, De Long, Denver, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Parks, Rhodes, Thomas, Vance, and Warmcastle—14.

So the motion was lost, and the Senate refused to reconsider.

Mr. Irwin the Chair.

Mr. Leet offered a protest against the action of the Senate in taking a vote on the reconsideration when he had a notice duly entered of a motion to reconsider on to-morrow, and asked that the protest be spread upon the journal.

Objection being made, the question was, Shall the protest be entered upon the journal?

Mr. Merritt arose to a point of order—That the protest was not in order,

Report received, and together with accompanying documents and appendix, ordered printed.

Mr. Ryan moved to take Senate Bill, No. 36, from unfinished business and place it second on the file.

Upon which motion, the ayes and noes were demanded, by Messrs. Shafter, Sharp, and Leet, and taken with the following result: Ayes, 2—noes, 7:

**AYES**—Messrs. Chase, Clark, Crittenden, De Long, De la Guerra, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Irwin, Logan, Pico, Sharp, Thornton, Vance, Warmcastle, Watson, Watt, and Williamson—23.

**NOES**—Messrs. Burbank, Heacock, Leet, Parks, Phelps, Rhodes, and Shafter—7.

So the motion prevailed, and the bill was taken up and placed second on file.

Mr. Logan, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Assembly Bill, No. 54.

Upon which motion, the ayes and noes were demanded, by Messrs. Crittenden, Harvey, and Leet, and taken with the following result: Ayes, 14—noes, 16:

**AYES**—Messrs. Burbank, Crittenden, Denver, Dickinson, Eagan, Haynes, Irwin, Leet, Logan, Sharp, Thornton, Watson, Watt, and Williamson—14.

**NOES**—Messrs. Chase, Clark, De Long, Edgerton, Gallagher, Harvey, Heacock, Hill, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Vance, and Warmcastle—16.

So the Senate refused to reconsider.

Mr. Dickinson in the Chair.

#### GENERAL FILE.

Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies—was taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendments concurred in.

The question then being upon ordering the bill to be read a third time.

Upon which, the ayes and noes were demanded by Messrs. Shafter, Watt, and Harvey, and taken with the following result: Ayes, 17—noes, 8:

**AYES**—Messrs. Clark, De Long, Denver, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Logan, Parks, Rhodes, Sharp, Thomas, Thornton, Vance, and Warmcastle—17.

**NOES**—Messrs. Dickinson, Eagan, Franklin, Leet, Shafter, Watson, Watt, and Williamson—8.

So the bill was read a third time, and the question being, Shall the bill pass?

Upon which, the ayes and noes were demanded by Messrs. Shafter, Watson, and Harvey, and taken with the following result: Ayes, 14—noes, 9:

**AYES**—Messrs. Clark, De Long, Denver, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Parks, Rhodes, Vance, and Warmcastle—14.

**NOES**—Messrs. Dickinson, Eagan, Franklin, Phelps, Shafter, Sharp, Watson, Watt, and Williamson—9.

So the bill passed.

Mr. Harvey moved to amend the title so as to conform to the amendments made to the bill.

Carried, and titled so amended.

Mr. Vance moved to reconsider the vote by which the bill passed.

Mr. Leet gave notice that he would on to-morrow move to reconsider the vote by which the bill passed, and the Chair directed the Secretary to take down the notice.

Mr. De Long arose to a point of order—That the Senator from Butte, (Mr. Vance,) had made a motion to reconsider now, which motion had been seconded, and was first in order, therefore it was not in order for the Senator from Placer, (Mr. Leet,) to give his notice, there being a motion pending.

The Chair ruled the point of order not well taken—That when the Senator from Butte, (Mr. Vance,) made his motion, the motion of Mr. Harvey to amend the title of the bill was still pending, consequently his motion was not in order, and that after the title had been amended, and before Mr. Vance renewed his motion, Mr. Leet had given his notice, therefore the notice was first in order.

Mr. De Long appealed.

The question being, Shall the decision of the Chair stand as the judgment of the Senate? was put, and lost.

So the decision of the Chair was not sustained.

Under the ruling of the Senate the question then was on the motion of Mr. Vance to reconsider the vote now by which the bill passed.

Mr. Eagan moved to adjourn.

Lost.

Mr. Ryan moved the previous question.

The question then being, Shall the main question be now put? was put and carried.

The main question being the motion to reconsider the vote by which the Senate passed Assembly Bill, No. 393.

Upon which, the ayes and noes were demanded by Messrs. Sharp, Heacock, and Phelps, and taken with the following result: Ayes, 11—noes, 14:

**AYES**—Messrs. Burbank, De la Guerra, Eagan, Leet, Logan, Merritt, Phelps, Shafter, Sharp, Watson, and Williamson—11.

**NOES**—Messrs. Chase, De Long, Denver, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Parks, Rhodes, Thomas, Vance, and Warmcastle—14.

So the motion was lost, and the Senate refused to reconsider.

Mr. Irwin the Chair.

Mr. Leet offered a protest against the action of the Senate in taking a vote on the reconsideration when he had a notice duly entered of a motion to reconsider on to-morrow, and asked that the protest be spread upon the journal.

Objection being made, the question was, Shall the protest be entered upon the journal?

Mr. Merritt arose to a point of order—That the protest was not in order,

the question not being a proper one for protest, therefore the question could not be put to place the protest on the journal.

The Chair ruled the point of order well taken.

Mr. Leet appealed.

The question then being, Shall the decision of the Chair stand as the judgment of the Senate? was put, and lost.

So the decision of the Chair was not sustained.

Mr. Leet, by leave, then withdrew his protest.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 36—was taken up.

Mr. Chase moved to refer to the San Francisco Delegation with special instructions to strike out all after the enacting clause and insert certain amendments sent up by Mr. Ryan, and to report the same to-morrow morning so amended together with such additional amendments as the committee may deem proper, and that the bill, when so reported, be placed at the top of the file for to-morrow.

Agreed to and so ordered.

Mr. De Long, by leave, moved to take from the Unfinished Business the Broderick Expunging Resolutions, so called, and make them the special order of the day for Saturday, May fourth, at half past eleven o'clock, A. M.

Carried.

Mr. Chase gave notice that he would on to-morrow move a reconsideration of the vote just had by which the resolutions were made the special order for Saturday next.

#### INTRODUCTION OF BILLS.

Mr. Sharp, by leave, introduced a bill for An Act to authorize Thomas H. Dowling, proprietor of Yerba Buena Island, Bay of San Francisco, California, to construct a Wharf thereon.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Merritt, by leave, introduced a bill for An Act supplementary to An Act to prohibit Lotteries, Raffles, and other schemes of like character.

Read first and second times, and referred to the Finance Committee.

Mr. Phelps, by leave, introduced a bill for An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the grade of certain Streets thereof.

Read first a second times, ruled suspended, bill considered engrossed, read a third time by title, and passed.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 245, An Act fixing the number of Officers and Employés of the Senate and Assembly to define their duties and establish their pay—and report the same correctly engrossed.

Report accepted.

MERRITT,  
Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 1st, 1861. }

MR. PRESIDENT:—The House on yesterday passed Assembly Bill, No. 345, An Act for the Purchase and Preservation of the Public Newspapers printed in the several Counties of this State;

Also, Assembly Bill, No. 449, An Act fixing the Salary of the County Judge of Mariposa County;

Also, Assembly Bill, No. 436, An Act to authorize the Board of Supervisors of the County of Monterey to make appropriations payable out of the Current Expense Fund of said County for purposes therein named;

Also, Assembly Bill, No. 210, An Act to authorize the Guardian of George Horton and Marshall Horton to sell certain of their Real Estate at private sale;

Also, Assembly Bill, No. 40, An Act to provide for the Election of Members of Congress from the State of California;

Also, Assembly Bill, No. 102, An Act to authorize the Guardian of John H. M. Townsend, a minor, to sell the Real Estate of said minor;

Also, Assembly Bill, No. 328, An Act to amend an Act entitled An Act to provide for the better encouragement of the culture of the Vine and the Olive, approved April eleventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 495, An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County, and to provide for the payment of the same, and other matters relating thereto;

Also, Assembly Bill, No. 496, An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto;

Also, on the twenty-ninth instant, passed Senate Bill, No. 367, An Act to authorize the Board of Supervisors of Tuolumne County to transfer certain Funds;

Also, Senate Bill, No. 146, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Funding and Payment of the outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six;

Also, Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs;

Also, Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco;

Also, Senate Bill, No. 371, An Act supplemental to an Act entitled An Act granting to William Fitzpatrick and his Associates the right to construct a Railroad in Contra Costa County;

Also, to day, passed Assembly Bill, No. 480, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax;

Also, on April thirtieth, passed Assembly Bill, No. 59, An Act amendatory of, and supplementary to, an Act entitled An Act amendatory of An Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, approved April twenty-fifth, eighteen hundred and fifty-seven, approved April twenty-seventh, eighteen hundred and sixty;

Also, on yesterday, passed Assembly Bill, No. 202, An Act to amend

an Act entitled An Act to restrict the herding of Sheep to certain pastures in the Counties of Sonoma and Marin, and the several Acts amendatory thereof, approved April twenty-first, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-eight, approved March sixteenth, eighteen hundred and fifty-nine, approved April twenty-eighth, eighteen hundred and sixty;

Also, Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Assembly Bill, No. 413, An Act amendatory of An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 541, An Act to authorize Franklin Birdsell, Executor of the last will and testament of George W. Birdsell, deceased, to sell the Real Estate of said deceased at private sale;

Also, Assembly Bill, No. 498, An Act to authorize and require the Board of Education of the City and County of San Francisco to pay John H. Shepard Four Hundred and Fifty Dollars for collecting Delinquent School Tax in the year eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 507, An Act amendatory of, and supplemental to, an Act entitled An Act for the erection of a Building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty;

Also, Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April nineteenth, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County, remaining in the General Fund, to the Contingent Fund;

Also, Senate Bill, No. 362, An Act amendatory of, and supplementary to, An Act relating to the payment of the Stewards of the San Francisco Fire Department;

Also, Senate Bill, No. 268, An Act to amend an Act entitled An Act for opening and repairing roads in the Counties of Sutter and Santa Cruz;

Also, Senate Bill, No. 284, An Act to audit and allow the Claim of William S. Botts;

Also, Senate Bill, No. 321, An Act relating to the War Debt of this State;

Also, on the twenty-seventh of April, passed Senate Bill, No. 349, An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court-House;

Also, passed Assembly Bill, No. 208, An Act to authorize the Guardian of Jonathan Williams, and Isaac B. Williams, Minor Heirs of James Williams, deceased, to sell Real Estate of said Minors;

Also, on the twenty-ninth, passed Assembly Bill, No. 51, An Act to prevent the amalgamation of the different Races of Men in this State;

Also, passed Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 373, An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo;

Also, Assembly Bill, No. 324, An Act concerning Roads and Highways in the County of Mendocino;

Also, Assembly Bill, No. 318, An Act to fix the Compensation of the County Judge of San Luis Obispo County, and to repeal in part the first section of an act entitled An Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May seventeenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 250; An Act supplementary to an Act approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said Pueblo and City;

Also, Senate Bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment, and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—with amendments;

Also, Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned—with amendments;

Also, Senate Bill, No. 313. An Act fixing the Salaries of the Judges of the Third and Fifteenth Judicial Districts;

Also, have indefinitely postponed Senate Bill, No. 35, An Act concerning Conveyances;

Also, on the twenty-fifth, passed Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State;

Also, this day, refused to concur in Senate amendments to substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—and ask that the Senate recede therefrom;

Also, on the thirtieth, concurred in Senate amendments to Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties a legal tender for County Taxes in said Counties;

Also, Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin—with amendment;

Also, Assembly Bill, No. 342, An Act to authorize the Administratrix of the Estate of Julius Lyons, deceased, to sell the Property belonging to said Estate either at public or private sale.

J. W. SCOBEE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 460, above reported—was read first and second times and referred to the Committee on Elections.

Assembly Bill, No. 345, above reported—was read first and second times and referred to the State Library Committee.

Assembly Bill, No. 449, above reported—was read first and second times, rules further suspended, bill read a third time by title, and passed.

Assembly Bill, No. 436, above reported—was read first and second times, and referred to the Senator from Santa Cruz.

Assembly Bill, No. 210, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 102, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 328, above reported—was read first and second times and referred to the Committee on Agriculture.

Assembly Bill, No. 362, above reported—was read first and second times and referred to the Committee on Agriculture.

Assembly Bill, No. 495, above reported—was read first and second times and referred to the San Francisco Delegation.

Assembly Bill, No. 496, above reported—was read first and second times and referred to the Los Angeles Delegation.

Assembly Bill, No. 428, above reported—was read first and second times and made the special order for Friday, May third, at half past eleven o'clock, A. M.

Assembly Bill, No. 59, above reported—was read first and second times, and referred to the Committee on Military Affairs.

Assembly Bill, No. 202, above reported—was read first and second times and referred to the Committee on Agriculture.

Assembly Bill, No. 383, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 413, above reported—was read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill, No. 451, above reported—was read first and second times, rules further suspended, bill read a third time by title, and passed.

Assembly Bill, No. 498, above reported—was read first and second times, rules further suspended, bill read a third time and passed.

Assembly Bill, No. 507, above reported—was read first and second times and referred to the Committee on Education.

Senate Bill, No. 244, above reported—was considered, and Assembly amendments thereto read and concurred in.

Assembly Bill, No. 342, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 208, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 51, above reported—was read first and second times, and referred to the Committee on Public Morals.

Assembly Bill, No. 375, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 373, above reported—was read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Bill, No. 324, above reported—was read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill, No. 318, above reported—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 250, above reported—was read first and second times and referred to the San Francisco Delegation.

Assembly Bill, No. 409, above reported—was read first and second times and referred to the Judiciary Committee.

Senate Bill, No. 94, above reported—with Assembly amendments thereto, was referred to the Judiciary Committee.

Senate Bill, No. 45, above reported—was considered, and Assembly amendments thereto read and concurred in.



Assembly Bill, No. 480, above reported—was read first and second times and referred to the Sacramento Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 2d, 1861. }

*To the Honorable the Senate of California :*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 307, An Act to amend an Act entitled An Act to amend an Act entitled An Act declaring certain Rivers and Creeks navigable, passed February eighteenth, eighteen hundred and fifty-one, and to amend An Act amendatory thereto, passed May seventeenth, eighteen hundred and fifty-three, passed May fifteenth, eighteen hundred and fifty-four, approved April tenth, eighteen hundred and sixty.

JOHN G. DOWNEY,  
Governor.

Mr. De Long asked leave to make a motion to take up the Concurrent Resolution, Relative to an adjournment *sine die*.

Objection being made, the question was, Shall the Senator have leave to make a motion?

Upon which, the ayes and noes were demanded, by Messrs. De Long, Eagan, and Merritt, and taken with the following result: Ayes, 30—noes, 2:

AYES—Messrs. Burbank, Chase, De Long, Denver, Edgerton, Franklin, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Parks, Phelps, Rhodes, Shafter, Sharp, Vance, Warmcastle, and Williamson—20.

NOES—Messrs. Eagan and Merritt—2.

So the Senator was granted leave and made his motion.

The motion was carried, and the resolution taken up, and made the special order of the day for Friday, May third, eighteen hundred and sixty-one, at two o'clock, P. M.

On motion of Mr. Eagan, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Friday, May 3d, 1861. }

Senate met pursuant to adjournment.

President in the Chair. -

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Mr. Clark made a verbal report for Mr. De la Guerra, he being in the Chair, recommending the passage of Assembly Bill, No. 373, An Act to

establish the Boundaries between the Counties of Monterey and San Luis Obispo.

Received, rules suspended, bill considered, read a third time by title, and passed.

Mr. Merritt made the following report :

Mr. PRESIDENT:—Your Committee on Engrossed Bills, have examined and found correctly engrossed, Senate Bill, No. 370, An Act to grant to the San Francisco Market Street Railway Company the right to construct their Railway Track upon certain Streets within the City and County of San Francisco;

Also, Senate Bill, No. 375, An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the grade of certain Streets;

Also, Senate Bill, No. 373, An Act to provide for Printing the Report of the State Agricultural Society.

MERRITT,  
Chairman.

Report accepted.

Mr. Vance made the following report :

Mr. PRESIDENT:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 51, An Act to prevent the Amalgamation of different Races of Men in this State—have had the same under consideration, report the same back to the Senate without amendment, and recommend its passage.

VANCE,  
Chairman.

Report received, and with bill, placed on file.

Mr. Gallagher made the following report :

Mr. PRESIDENT:—The Calaveras Delegation, to whom was referred Assembly Bill, No. 453—report the same back, and recommend its passage.

GALLAGHER,  
For the Committee.

Report received, rules suspended, bill considered, read a third time by title, and passed.

Mr. Hill made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin—ask leave to make the following report :

*First*—That the territory asked for in the bill, to be stricken off from the County of Marin, and made part of the County of Sonoma, was originally a part of Marin County; but by a survey made by order of the Surveyor-General in the year eighteen hundred and fifty-six, of the boundary line, it became a part of Sonoma County. By an Act approved April twenty-fifth, eighteen hundred and sixty, the said territory was again transferred to Marin County, by the re-establishment of the original boundary line.

*Second*—That the citizens residing upon said territory are dissatisfied with the Act of April, eighteen hundred and sixty, and now petition the Legislature to set them back to the County of Sonoma; and being informed by the Representative from Marin, that the citizens generally are not opposed to granting the prayer of the petitioners, I recommend the passage of the bill.

HILL.

Report received, rules suspended, bill considered, read a third time by title, and passed.

Mr. Franklin made the following report:

Mr. PRESIDENT:—The Tuolumne Delegation, to whom was referred Senate Bill, No. 368—have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

FRANKLIN,

For Delegation.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Pico made the following report:

Mr. PRESIDENT:—The San Bernardino Delegation, to whom was referred Assembly Bill, No. 482, An Act authorizing the Board of Supervisors of the County of San Bernardino to audit and allow the claim of A. J. Herring—have had the same under consideration, and report it back, recommending its passage.

A. PICO,

For Delegation.

Report received, rules suspended, bill considered, read a third time by title, and passed.

Mr. Ryan made the following report:

Mr. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 284, An Act to authorize J. C. Cissna to build a Wharf in the Bay of San Luis Obispo, and to construct a Road leading thereto—have had the same under consideration, and report it back, recommending its passage.

JAMES T. RYAN,

Chairman.

Report received, and with bill, placed on file.

Mr. Sharp offered the following resolution:

*Resolved*, That James Sweeney be allowed the sum of Fifty Dollars, for services rendered as Porter of the Senate Judiciary Committee Room, payable out of the Contingent Fund of the Senate.

Lost.

Mr. Phelps offered the following resolution:

*Resolved*, That M. Scott, Jr. and G. Backus, be allowed six dollars each, per diem, for services as Clerks to the Senate Special Committee on Military Affairs, and Quartermaster and Adjutant-General Department, from the twenty-eighth day of February, to the second day of May, inclusive, payable out of the Fund for the pay of Officers and Clerks of the Senate.

Adopted.

Mr. Phelps also offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that the pay of Michael Martin, Fireman, be increased from three dollars to five dollars per day, to date from the day of his appointment.

Lost.

Mr. Logan, by leave, introduced a bill for An Act to legalize the levy of certain Taxes in the County of Tehama, for the year eighteen hundred and sixty-one.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

By unanimous consent, the Secretary was directed to insert an enacting clause.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Parks, by leave, introduced a bill for An Act to authorize the Board of Examiners to pay over certain Moneys.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By unanimous consent, the Secretary was directed to insert an enacting clause.

On motion of Mr. Burbank, Senate Bill, No. 340, An Act to authorize W. T. Wallace to sell certain Real Estate of his Infant Children—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

#### SPECIAL ORDER.

Assembly Bill, No. 423, being the special order for eleven and a half o'clock, A. M.—was taken up, and placed second on file.

Mr. Dickinson, by leave, introduced a bill for An Act to pay J. C. Potter, former Under Sheriff of El Dorado County, for services rendered the State.

Read first and second times, and referred to the Committee on Claims.

Mr. Logan, by leave, introduced a bill for An Act to divide the State into Congressional Election Districts.

Read first and second times, and referred to a Special Committee of three, consisting of Messrs. Logan, Rhodes, and Sharp, with instructions to report the bill back on Monday next.

Mr. Heacock made the following report :

Mr. PRESIDENT:—The Sacramento Delegation having had Assembly Bill, No. 480, under consideration report the same back with amendments, and recommend its passage as amended.

CLARK,  
HEACOCK.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendments concurred in, read a third time, and passed.

Mr. Phelps, Chairman of the Committee of Free Conference appointed to confer with a like committee on the part of the Assembly upon the disagreeing vote of the two Houses on Senate Bill, No. 73—made a verbal report recommending that the Senate do concur in the amendments of the Assembly.

Report received, and on motion, adopted.

So the Assembly amendments to Senate Bill, No. 73, were concurred in.

## GENERAL FILE.

Senate Bill, No. 183, An Act restricting the Herding of Sheep in certain Counties of this State—was considered in Committee of the Whole and amended.

## IN SENATE.

Reported back and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Merritt in the Chair.

Mr. Shafter made the following report :

MR. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 36, with instructions—report the same with amendments accompanying.

SHAFTER,

For Special Committee.

Report received, and considered.

The Chair ruled that the report was not open to amendment, but that the Senate were compelled to adopt, or reject, the amendments reported by the committee as a whole, and could not adopt a part and reject a part.

Mr. Chase appealed from the decision of the Chair.

The question then being, shall the decision of the Chair stand as the judgment of the Senate ?

Upon which, the ayes and noes were demanded by Messrs. Dickinson, Sharp, and Chase, and taken with the following result : Ayes, 12—noes, 10 :

AYES—Messrs. Burbank, Clark, De Long, Dickinson, Edgerton, Harvey, Haynes, Heacock, Hill, Parks, Phelps, and Shafter—12.

NOES—Messrs. Chase, De la Guerra, Irwin, Logan, Pico, Ryan, Sharp, Vance, Watson, and Williamson—10.

So the ruling of the Chair was sustained.

The question recurring on the adoption of the report of the Special Committee.

Mr. Sharp moved the previous question.

Not sustained.

Mr. Denver moved the previous question.

The question was put, Shall the main question be now put ?

Carried.

The main question being on the adoption of the report.

Upon which, the ayes and noes were demanded by Messrs. Shafter, Phelps, and Harvey, and taken with the following result ; Ayes, 9—noes, 14 :

AYES—Messrs. Burbank, Dickinson, Harvey, Haynes, Heacock, Leet, Phelps, Rhodes, and Shafter—9.

NOES—Messrs. Chase, De Long, De la Guerra, Eagan, Edgerton, Hill, Irwin, Logan, Pico, Ryan, Sharp, Vance, Watson, and Williamson—14.

So the report was rejected.

The question then recurring on the passage of the original bill as engrossed.

Upon which, the ayes and noes were demanded by Messrs. Phelps, Leet, and Shafter, and taken with the following result : Ayes, 13—noes, 10 :

AYES—Messrs. Chase, De la Guerra, Eagan, Gallagher, Haynes, Irwin, Phelps, Pico, Ryan, Sharp, Vance, Watson, and Williamson—13.

NOES—Messrs. Burbank, Dickinson, Edgerton, Harvey, Heacock, Hill, Leet, Logan, Rhodes, and Shafter—10.

So the bill was passed.

Mr. Phelps gave notice that he would on to-morrow move a reconsideration of the vote just had by which the bill passed.

#### SPECIAL ORDER.

The Concurrent Resolution, Relative to adjourning *sine die*—being the special order, was taken up, and the question being upon concurring in the Assembly amendments.

Mr. Eagan moved to amend the Assembly amendment by striking out the "thirteenth," and inserting the "twentieth."

Mr. Leet moved to amend the amendment by inserting "sixteenth."

Division being called for, the question was first upon striking out.

Upon which, the ayes and noes were demanded by Messrs. Phelps, Ryan, and Eagan, and taken with the following result: Ayes, 16—noes, 13:

AYES—Messrs. Chase, Clark, Denver, Dickinson, Eagan, Gallagher, Harvey, Heacock, Hill, Irwin, Logan, Merritt, Ryan, Vance, Watson, and Williamson—16.

NOES—Messrs. Burbank, De Long, De la Guerra, Edgerton, Haynes, Leet, Parks, Phelps, Pico, Rhodes, Shafter, Sharp, and Watt—13.

So the motion prevailed and the "thirteenth" was ordered to be stricken out.

Mr. Vance moved to make the resolution the special order for Friday, May tenth, at twelve o'clock, M.

Upon which, the ayes and noes were demanded by Messrs. Gallagher, Eagan, and Vance, and taken with the following result: Ayes, 3—noes, 26:

AYES—Messrs. Eagan, Ryan, and Watson—3.

NOES—Messrs. Burbank, Chase, Clark, De Long, De la Guerra, Denver, Dickinson, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Sharp, Watt, and Williamson—26.

So the motion was lost, and the Senate refused to make the resolution the special order.

The question recurring on the motion to insert the "sixteenth."

Lost.

Mr. Shafter moved to insert the "fourteenth."

Lost.

Mr. Leet moved to insert the "fifteenth."

Lost.

The question then recurring upon the motion of Mr. Eagan to insert the twentieth.

Upon which, the ayes and noes were demanded by Messrs. Burbank, Phelps, and Eagan, and taken with the following result: Ayes, 19—noes, 10:

AYES—Messrs. Chase, Clark, De la Guerra, Denver, Dickson, Eagan, Edgerton, Haynes, Heacock, Hill, Irwin, Logan, Pico, Ryan, Sharp, Vance, Watson, Watt, and Williamson—19.

NOES—Messrs. Burbank, De Long, Franklin, Gallagher, Harvey, Leet, Parks, Phelps, Rhodes, and Shafter—10.

So the motion prevailed, and the twentieth was ordered to be inserted.

The question then being upon concurring in the Assembly's second amendment.

Mr. Clark moved to strike out the "first day of May," and insert the "sixth."

Agreed to.

The Assembly amendments were then concurred in as amended by the Senate.

#### GENERAL FILE.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, and on motion of Mr. Leet, made the special order of the day for to-morrow at two o'clock, P. M. and at the same hour every day thereafter, (Sunday's excepted,) until disposed of.

Mr. Merritt, by leave, moved to take up Assembly Bill, No. 355, and place it at the head of the file for to-morrow.

Agreed to.

On motion of Mr. Sharp, the proposed amendments to the Constitution were taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back and placed third on file for to-morrow.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined the following bills and find the same correctly engrossed:

Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Moneys;

Also, Senate Bill, No. 378, An Act to legalize the levy of certain Taxes in the County of Tehama for the year eighteen hundred and sixty-one.

MERRITT,  
Chairman.

On motion of Mr. Merritt, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,  
Saturday, May 4th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

**AYES**—Messrs. Chase, De la Guerra, Eagan, Gallagher, Haynes, Irwin, Phelps, Pico, Ryan, Sharp, Vance, Watson, and Williamson—13.

**NOES**—Messrs. Burbank, Dickinson, Edgerton, Harvey, Heacock, Hill, Leet, Logan, Rhodes, and Shafter—10.

So the bill was passed.

Mr. Phelps gave notice that he would on to-morrow move a reconsideration of the vote just had by which the bill passed.

#### SPECIAL ORDER.

The Concurrent Resolution, Relative to adjourning *sine die*—being the special order, was taken up, and the question being upon concurring in the Assembly amendments.

Mr. Eagan moved to amend the Assembly amendment by striking out the "thirteenth," and inserting the "twentieth."

Mr. Leet moved to amend the amendment by inserting "sixteenth."

Division being called for, the question was first upon striking out.

Upon which, the ayes and noes were demanded by Messrs. Phelps, Ryan, and Eagan, and taken with the following result: Ayes, 16—noes, 13:

**AYES**—Messrs. Chase, Clark, Denver, Dickinson, Eagan, Gallagher, Harvey, Heacock, Hill, Irwin, Logan, Merritt, Ryan, Vance, Watson, and Williamson—16.

**NOES**—Messrs. Burbank, De Long, De la Guerra, Edgerton, Haynes, Leet, Parks, Phelps, Pico, Rhodes, Shafter, Sharp, and Watt—13.

So the motion prevailed and the "thirteenth" was ordered to be stricken out.

Mr. Vance moved to make the resolution the special order for Friday, May tenth, at twelve o'clock, m.

Upon which, the ayes and noes were demanded by Messrs. Gallagher, Eagan, and Vance, and taken with the following result: Ayes, 3—noes, 26:

**AYES**—Messrs. Eagan, Ryan, and Watson—3.

**NOES**—Messrs. Burbank, Chase, Clark, De Long, De la Guerra, Denver, Dickinson, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Sharp, Watt, and Williamson—26.

So the motion was lost, and the Senate refused to make the resolution the special order.

The question recurring on the motion to insert the "sixteenth."

Lost.

Mr. Shafter moved to insert the "fourteenth."

Lost.

Mr. Leet moved to insert the "fifteenth."

Lost.

The question then recurring upon the motion of Mr. Eagan to insert the twentieth.

Upon which, the ayes and noes were demanded by Messrs. Burbank, Phelps, and Eagan, and taken with the following result: Ayes, 19—noes, 10:

**AYES**—Messrs. Chase, Clark, De la Guerra, Denver, Dickson, Eagan, Edgerton, Haynes, Heacock, Hill, Irwin, Logan, Pico, Ryan, Sharp, Vance, Watson, Watt, and Williamson—19.



NOES—Messrs. Burbank, De Long, Franklin, Gallagher, Harvey, Leet, Parks, Phelps, Rhodes, and Shafter—10.

So the motion prevailed, and the twentieth was ordered to be inserted.

The question then being upon concurring in the Assembly's second amendment.

Mr. Clark moved to strike out the "first day of May," and insert the "sixth."

Agreed to.

The Assembly amendments were then concurred in as amended by the Senate.

#### GENERAL FILE.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported back, and on motion of Mr. Leet, made the special order of the day for to-morrow at two o'clock, P. M. and at the same hour every day thereafter, (Sunday's excepted,) until disposed of.

Mr. Merritt, by leave, moved to take up Assembly Bill, No. 355, and place it at the head of the file for to-morrow.

Agreed to.

On motion of Mr. Sharp, the proposed amendments to the Constitution were taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back and placed third on file for to-morrow.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined the following bills and find the same correctly engrossed:

Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Moneys;

Also, Senate Bill, No. 378, An Act to legalize the levy of certain Taxes in the County of Tehama for the year eighteen hundred and sixty-one.

MERRITT,

Chairman.

On motion of Mr. Merritt, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Saturday, May 4th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Burbank, by leave, introduced a bill for An Act authorizing Abner H. Barker, Nathan C. Paddock, S. C. Biglow, and M. A. Bradley, and their Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco Delegation.

#### REPORTS.

Mr. Leet made the following report :

Mr. PRESIDENT:—The Library Committee, to whom was referred Assembly Bill, No. 345, entitled An Act for the Purchase of Public Newspapers printed in the several Counties of this State—having had the same under consideration ask leave to report the same back and respectfully recommend that it be indefinitely postponed.

LEET,  
Chairman.

Report received and adopted, and bill indefinitely postponed.

Mr. Sharp made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration reports as follows :

Assembly Bill, No 409, An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said Pueblo and City—report the same back and recommend it be referred to the Senator from that District ;

Also, Assembly Bill, No. 102, An Act to authorize the Guardian of John H. M. Townsend, a minor, to sell Real Estate of said minor—passage recommended ;

Also, Assembly Bill, No. 208, An Act to authorize the Guardian of Jonathan P. Williams and Isaac B. Williams, minor heirs of James Williams, deceased, to sell Real Estate of said minors—passage recommended ;

Also, Assembly Bill, No. 210, An Act to authorize the Guardian of George Horton and Marshall Horton to sell their Real Estate at private sale—passage recommended ;

Also, Assembly Bill, No. 342, An Act to authorize the Administratrix of the Estate of Julius Lyons, deceased, to sell the Real and Personal Property belonging to said estate either at public or private sale—passage recommended ;

Also, Assembly Bill, No. 318, An Act to fix the Compensation of the County Judge of San Luis Obispo County and to repeal in part the first section of an Act entitled An Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May seventeenth, eighteen hundred and fifty-three—passage recommended ;

Also, Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty—passage recommended ;

Also, Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five—report the same back and recommend it be referred to the Senator from that District ;

Also, Senate Bill, No. 369, An Act for the relief of the Heirs of Abraham De Tuew, deceased—and recommend its indefinite postponement.

SOL. A. SHARP,  
Chairman.

Report received, and with bills, placed on file.

Mr. Thomas made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills respectfully report as correctly enrolled Senate Bill, No. 363, An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa, approved March fifth, eighteen hundred and fifty-eight;

Also, Senate Bill, No. 191, An Act to appropriate Money to pay the Claim of S. B. Richardson;

Also, Senate Bill, No. 359, An Act to grant the right of way to the City and County of Sacramento for the purpose of Drainage from the City of Sacramento;

Also, Senate Bill, No. 352, An Act to grant to Guillermo Carrillo, and his Assigns, the right to supply the inhabitants of the Town of Santa Barbara with Fresh Water;

Also, Senate Bill, No. 371, An Act supplemental to an Act entitled An Act granting to William Fitzpatrick and his Associates, to construct a Railroad in Contra Costa County;

Also, Senate Bill, No. 32, An Act relating to the War Debt of this State;

Also, Senate Bill, No. 284, An Act to audit and allow the Claim of Wm. S. Botts;

Also, Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs;

Also, Senate Bill, No. 367, An Act to authorize the Board of Supervisors of Tuolumne County to transfer certain Funds;

Also, Senate Bill, No. 158, An Act to authorize Henry B. Platt and Jas. Gallagher to construct a Wharf at the foot of Third Street in the City and County of San Francisco;

Also, Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks;

Also, Senate Bill, No. 362, An Act amendatory of, and supplementary to, An Act relating to the payment of Stewards of the San Francisco Fire Department.

PHILIP W. THOMAS,  
Chairman.

Report accepted.

Mr. Watson made the following report :

Mr. PRESIDENT:—The undersigned has had Assembly Bill, No. 436, under consideration, reports it back recommending its passage.

JOHN H. WATSON.

Report received, and with bill, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 183, An Act restricting the herding of Sheep in certain Counties of this State;

Also, Senate Bill, No. 368, An Act to amend an Act entitled An Act to establish, support, and maintain, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 4th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 305, An Act appropriating Money for the completion of the building for the State Reform School and for the regulation of the same ;

Also, Senate Bill, No. 318, An Act to amend an Act entitled An Act to create the Office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of Election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto ;

Also, Senate Bill, No. 319, An Act to amend an Act entitled An Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven, and other Acts amendatory thereto ;

Also, Senate Bill, No. 363, An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa, approved March fifth, eighteen hundred and fifty-eight ;

Also, Senate Bill, No. 191, An Act to appropriate Money to pay the Claim of S. B. Richardson ;

Also, Senate Bill, No. 352, An Act to grant Guillermo Carrillo, and his Assigns, the right to supply the inhabitants of the Town of Santa Barbara with Fresh Water ;

Also, Senate Bill, No. 359, An Act to grant the right of way to the City and County of Sacramento for the purpose of Drainage from the City of Sacramento ;

Also, Senate Bill, No. 371, An Act supplemental to an Act entitled An Act granting to William Fitzpatrick and his Associates, the right to construct a Railroad in Contra Costa County, approved April twenty-ninth, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 284, An Act to audit and allow the Claim of Wm. S. Botts.

JOHN G. DOWNEY,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
May 3d, 1861.

Mr. PRESIDENT :—On April thirtieth, the House passed Assembly Bill, No. 292, An Act to prohibit the skinning of Dead Cattle, in certain cases ;

Also, on yesterday, appointed Messrs. Magruder, Wood of Yolo, and Briggs, a Committee of Free Conference on the disagreeing vote of the two Houses, upon substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads ;

Also, on the first instant, passed Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, with amendment ;

Also, passed Senate Bill, No. 72, An Act amendatory of An Act to regulate proceedings in Civil Cases in Courts of Justice in this State ;

Also, Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate Bill, No. 124, An Act to repeal the Charter of the City of Sonoma, with amendments;

Also, Senate Bill, No. 169, An Act amendatory of An Act to regulate Fees in Office in certain Counties of this State;

Also, Senate Bill, No. 204, An Act amendatory of, and supplemental to an Act entitled An Act of April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases;

Also, on May second, passed Senate Bill, No. 215, An Act in relation to Bills of Exchange, and other negotiable instruments;

Also, Senate Bill, No. 251, An Act to authorize Maria O'Conner, Administratrix of the Estate of Michael T. O'Conner, deceased, to sell and convey Real Estate;

Also, on April thirtieth, passed Assembly Bill, No. 7, An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claims of George H. Hossefross, F. E. R. Whitney, and H. J. Gladding;

Also, on April twenty-seventh, passed Assembly Bill, No. 361, An Act to enable the City of Sonoma to compromise controversies relative to City Property, and to sell Lands;

Also, on April thirtieth, passed Assembly Bill, No. 379, An Act to legalize the acts of the Surveyor of the County of Siskiyou in defining the Northern Boundary Line of said County;

Also, on May first, adopted Assembly Joint Resolution, No. 52, asking Congress to cede to the State of California the odd sections of all Public Lands within this State, to be used by said State solely for Railroad purposes;

Also, on yesterday, passed Assembly Bill, No. 389, An Act respecting the rights and duties of Landlords and Tenants;

Also, Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino;

Also, Assembly Bill, No. 432, An Act appropriating Money for the payment of John B. Brady, as Assistant Engrossing Clerk of the Assembly, during the Eleventh Session of the Legislature;

Also, on to-day, passed Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two—with amendment.

J. W. SCOBEE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 292, above reported—was read first and second times, and referred to the Committee on Public Morals.

Senate Bill, No. 55, above reported—was considered, and Assembly amendments thereto, read and concurred in.

Senate Bill, No. 72, above reported—was considered, and Assembly amendments thereto, read and concurred in.

Senate Bill, No. 124, above reported, with Assembly amendments thereto—was taken up, and referred to the Senator from Sonoma.

Senate Bill, No. 204, above reported—was considered, and Assembly amendments thereto, read and concurred in.

Assembly Bill, No. 7, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 361, above reported—was read first and second times, and referred to the Senator from Sonoma.

Assembly Bill, No. 379, above reported—was read first and second times, and referred to the Senator from Siskiyou.

Assembly Joint Resolution, No. 52, above reported—was read first and second times, and adopted.

Assembly Bill, No. 389, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 289, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 432, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 113, above reported, with Assembly amendments thereto—was considered, and referred to the Committee on Agriculture.

Mr. Ryan moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Upon which motion, the previous question was demanded and seconded.

The question then being, Shall the main question be now put? was put and carried.

The main question being the motion of Mr. Ryan to reconsider, the ayes and noes were demanded thereon, by Messrs. Ryan, Phelps, and Eagan, and taken with the following result: Ayes, 3—noes, 25:

AYES—Messrs. Burbank, Denver, and Watson—3.

NOES—Messrs. Chase, Clark, De Long, De la Guerra, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Sharp Thomas, and Vance—25.

So the Senate refused to reconsider.

Mr. Logan, by leave, moved to take up the Broderick Expunging Resolutions, and the Union Resolutions, and make them the special order of the day for Friday next, May tenth, eighteen hundred and sixty-one, at eleven and a half o'clock, A. M.

Mr. De Long, by leave, presented the claim of George W. Nexsen, Assignee of Lorenzo Hubbard, for services rendered as Resident Physician of the Marine Hospital for the State of California, from April eighth, eighteen hundred and fifty, to April eighth, eighteen hundred and fifty-two.

Read, and referred to the Committee on Claims.

#### GENERAL FILE.

Assembly Bill, No. 355, An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson—was taken from the file, and considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, and read a third time.

The question then being, Shall the bill pass? the ayes and noes were demanded by Messrs. Leet, Rhodes, and Eagan, and taken with the following result: Ayes, 18—noes, 8:

AYES—Messrs. Chase, Clark, Crittenden, De la Guerra, Dickinson,

Eagan, Edgerton, Gallagher, Heacock, Irwin, Logan, Merritt, Ryan, Sharp, Vance, Watkins, Watson, and Williamson—18.

NOES—Messrs. Burbank, Denver, Franklin, Harvey, Leet, Parks, Phelps, and Rhodes—8.

So the bill passed.

Mr. Clark in the Chair.

Senate Bill, No. 260, An Act amendatory of An Act supplementary to an Act entitled An Act to afford protection to Emigrants—was considered in Committee of the Whole.

#### IN SENATE.

Reported back with amendment, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 137, An Act to pay the Claim of B. F. Hastings—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendments, read a third time, and passed.

The proposed Amendments to the Constitution were taken up and placed on top of the file, for Thursday next, May ninth, eighteen hundred and sixty-one.

Senate Bill, No. 297, An Act to audit and pay the Claim of G. D. Bliss & Co.—was taken up, ordered to be engrossed, and read a third time.

Senate Bill, No. 288—was taken up, and placed second on file for Thursday next, May ninth.

Assembly Bill, No. 343—was taken up, and referred to the Judiciary Committee.

Senate Bill, No. 335—was taken from the file, and referred to the Finance Committee.

Senate Bill, No. 172—was taken up, and placed on top of the file for Friday next, May tenth.

Assembly Bill, No. 233—was taken from the file, and referred to the Senator from Sonoma.

On motion of Mr. Leet, Assembly Bills, Nos. 350, 338, 104, 246, 334, and 105—were taken from the unfinished business, and considered as follows:

Assembly Bill, No. 338, An Act to authorize Martin T. Smith to construct and maintain a Wharf a Fishing Rock, in Mendocino County—was read first and second times, and referred to the Senator from Mendocino.

Assembly Bill, No. 350, An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of office of the Board of Supervisors of certain Counties of this State, and to fix the compensation of the Board of Supervisors of Mendocino County—was read first and second times, and referred to the Senator from Mendocino.

Assembly Bill, No. 334, An Act to provide for the payment of the Claim of W. W. Upton for certain services therein mentioned—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 246, An Act to amend an Act supplementary to An Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 104, An Act to amend Section Forty-Seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—was read first and second times, and referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 4th, 1861. }

*To the Honorable the Senate of California :*

I return to your Honorable Body Senate Bill, No. 154, entitled An Act in relation to the Water Front adjacent to Block No. 9, in the City and County of San Francisco—without my approval, and with the following objections :

This bill proposes to grant to certain individuals, for the term of twenty years, the exclusive use of all that portion of the city front lying east of Block No. 9, and south of the southerly line of Townsend Street, and north of the northerly line of King Street, for their own private uses and benefit, without any consideration to either the State or the city.

Section four of the act of March twenty-sixth, eighteen hundred and fifty-one, provides that the boundary line described in section one of said act shall be and remain a permanent water front of said city, the authorities of which shall keep clear and free from all obstructions whatever, the space beyond said line to a distance of five hundred yards therefrom. This pledge on the part of the Legislature of that year was given to the city of San Francisco in consideration of having extended her city front against the solemn protest of her citizens and property holders. Several attempts have been made from year to year since that period, to extend the city front and convert it to the use of private speculation, but the city has thus far been spared the mortification of seeing her commercial front pass into the hands of private parties for their own individual benefit.

The commercial front of San Francisco, if properly and judiciously managed, can and will become a source of revenue both to the city and State, and one that is estimated, even at this early period of our history, when the city is yet in her infancy, to be worth a million per annum. If its use be parceled out to parties owning adjoining lots, for terms of twenty years, without consideration, this revenue cannot exist, and what belongs to the people is thus converted to private interests.

I regard this bill as infinitely worse, in principle, than the Bulkhead Bill of last year; for that had the merit of giving to the State a portion of its earnings, and contemplated the surrender, after fifty years, to the city of a work of great magnitude; this has no such merit, and contemplates no public enterprise, except such as will be undertaken by others whether this franchise be granted or not, provided public necessities require it, and the business be profitable.

There are many situations on the bay of San Francisco where a dry dock can be built without interfering with the established city front of San Francisco. The control of this front and its management have been granted to and conferred upon the city of San Francisco by repeated acts of the Legislature, and in my opinion, it would be well for the commercial interests of the State that this should continue—always with proper restrictions—for it is impossible for the Legislature, even with the aid of maps, to be properly informed as to the peculiar necessities of the harbor,



and the relation of the permanent city front with the beach and water lot property.

I am not disposed to sanction any project that has for its object the granting of franchises in the harbor of San Francisco, until a proper and scientific survey is made of the same. Steps have already been taken to secure this end, and an act has passed the present Legislature authorizing the Board of Supervisors of the city and county of San Francisco to appropriate ten thousand dollars to defray the expenses of this important work. At the opening of the next session of the Legislature a report from the Engineer corps, who have been detailed by the Federal Government for this service, will enable the Legislature to make such disposition of the State's interest, if any they have, as will redound to the benefit and interest of the whole State.

If the control, for a term of years, of this front pass into the hands of individuals, the object of this survey will be frustrated. I am constrained to arrive at these conclusions from motives of great public policy; besides, there are grave constitutional objections to allow the use of the city front to pass into private hands, after the solemn pledge of the Legislature that this should remain the permanent city front, to be kept free and clear from obstructions, and in consequence of which investments have been made, and rights acquired not alone by those immediately adjoining the line, but all in its vicinity.

It is a source of regret to me to have to differ with the law-making power, and particularly on a matter that meets the sanction of the representatives of San Francisco, who are supposed to be informed with the wants and necessities of their county.

JOHN G. DOWNEY,  
Governor.

Read, and on motion of Mr. Ryan, was made the special order of the day for Saturday, May eleventh, eighteen hundred and sixty-one, at half past eleven o'clock, A. M.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 4th, 1861. }

Mr. PRESIDENT:—The House has this day passed Senate Bill, No. 372, An Act amendatory of, and supplementary to, an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine;

Also, on the twenty-seventh of April, passed Assembly Bill, No. 326, An Act to authorize the Board of Supervisors of the City and County of San Francisco to regulate and license Intelligence Offices in said City and County;

Also, on yesterday, passed Assembly Bill, No. 438, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, passed Assembly Bill, No. 492, An Act conferring additional powers on the Board of Supervisors of the City and County of Sacramento;

Also, passed Assembly Bill, No. 517, An Act in relation to the County Officers of the County of Sierra;

Also, concurred in Senate amendments to Assembly Bill, No. 480, An

Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax ;

Also, passed Assembly Bill, No. 268, An Act to authorize the formation of Corporations, to provide the members thereof with Homesteads, or Lots of Land suitable for Homesteads ;

Also, passed Assembly Bill, No. 385, An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco to reissue certain Bonds of the City and County of San Francisco to Noah C. Efford ;

Also, passed Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate ;

Also, passed Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State ;

Also, adopted Assembly Concurrent Resolution, No. 61, asking an appropriation from Congress to meet the expenses of volunteers under Col. J. C. Hays in Indian war in Utah ;

Also, on yesterday, passed Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento ;

Also, Senate Bill, No. 196, An Act to amend an Act entitled An Act amendatory of an Act entitled An Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, approved April twentieth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty—with amendments ;

Also, Senate Bill, No. 149, An Act making Appropriations for Deficiencies in the Appropriations for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one—with amendments ;

Also, Senate Bill, No. 296, An Act to appropriate Money to pay the Claim of Greenhood & Newbauer ;

Also, Senate Bill, No. 281, An Act concerning Salaries of certain County Officers in the County of Napa ;

Also, Senate Bill, No. 235, An Act appropriating Money to pay the Claim of Wells, Fargo & Co. ;

Also, Senate Bill, No. 273, An Act to amend an Act entitled An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty ;

Also, Senate Bill, No. 193, An Act for the relief of E. S. Green, Sheriff of Sonoma County ;

Also, Senate Bill, No. 234, An Act to pay certain Claims, and to make an appropriation for the same ;

Also, Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three ;

Also, Senate Bill, No. 227, An Act concerning Telegraphic Messages, and to secure Secrecy and Fidelity in the transmission thereof—with amendments ;

Also, Senate Bill, No. 205, An Act amendatory of, and supplemental to, an Act passed April sixteenth, eighteen hundred and sixty, concerning Crimes and Punishments—with amendments ;

Also, Senate Bill, No. 340, An Act to authorize William T. Wallace to sell certain Real Estate of his Infant Children ;

Also, Senate Bill, No. 225, An Act for the relief of Lewis Teal, late Tax Collector in and for the City of San Francisco—with amendments ;

Also, this day, passed Assembly Bill, No. 518, An Act to provide for re-taking the sense of the People of San Mateo County upon the removal of the County Seat thereof.

J. W. SCOBEE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 326, above reported—was read first and second times, and placed on file.

Assembly Bill, No. 438, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 492, above reported—was read first and second times, rules suspended, bill read a third time, and passed.

On motion the title was amended by adding "and supplementary to an Act entitled An Act concerning further powers on the Board of Supervisors of the City and County of Sacramento, approved May second, eighteen hundred and sixty-one."

Assembly Bill, No. 517, above reported—was read first and second times, and referred to the Senator from Sierra.

Assembly Bill, No. 268, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 385, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 467, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 165, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 61—was read and concurred in.

Senate Bill, No. 196, above reported—was read, and Assembly amendments thereto concurred in.

Senate Bill, No. 149, above reported—was considered, and Assembly amendments thereto read, when the Senate refused to concur in the first amendment, and concurred in the last.

Senate Bill, No. 227, above reported—was considered, and Assembly amendments thereto read and concurred in.

Senate Bill, No. 205, above reported—was considered, and Assembly amendments thereto read, when the Senate concurred in the first amendment, and refused to concur in the second.

Senate Bill, No. 225, above reported—was considered, and Assembly amendments thereto read and concurred in.

Assembly Bill, No. 518, above reported—was read first and second times, and referred to the Delegation from San Francisco and San Mateo.

Mr. Edgerton in the Chair.

By unanimous consent Senate Bill, No. 255, An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year—was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Bill reported back, without amendment.

Mr. Denver moved to adjourn.

Lost.

Mr. Eagan moved to suspend the rules and consider the bill engrossed, that it might be placed on its final passage now.

Lost.

The question recurring on ordering the bill to be engrossed, was put and carried.

So the bill was ordered to be engrossed and read a third time.

On motion of Mr. Denver, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, May 6th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

On motion of Mr. Ryan, three days' leave of absence was granted to Mr. Irwin.

On motion of Mr. Logan, indefinite leave of absence was granted to Mr. De Long.

### REPORTS.

Mr. Gallagher made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 297, An Act to audit and allow the Claim of G. D. Bliss & Co. ;

Also, Senate Bill, No. 255, An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year—and report the same correctly engrossed.

GALLAGHER.

Report accepted.

For the Committee.

Mr. Parks made the following report :

Mr. PRESIDENT:—The Committee on Claims have examined Senate Bill, No. 338, An Act to pay D. J. Snyder—and beg leave to report it back and recommend that it be indefinitely postponed ;

Also, Senate Bill, No. 380, An Act to pay J. C. Potter—and recommend that it be indefinitely postponed ;

Also, Assembly Bills, Nos. 219 and 334—and beg leave to report them back for the consideration of the Senate without recommendation.

W. H. PARKS,

For Committee.

Report received, and with bills, placed on file.

Mr. Clark made the following report :

Mr. PRESIDENT:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento—have had the same under consideration and report the bill back with an amendment, the adoption of which they recommend, and when so amended they recommend the passage of the bill.

CLARK,

For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back and amendments concurred in, read a third time, and passed.

Mr. Hill made the following report:

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 338, An Act to authorize Martin T. Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County—report the same back without amendment, and recommend its passage.

HILL.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendments, read a third time, and passed.

Mr. Shafter, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 350, An Act to exempt the City and County of San Francisco from giving undertaking in certain cases—reported the same back verbally recommending its passage.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Mr. Hill, to whom was referred Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of Office of the Board of Supervisors of certain Counties of this State and to fix the Compensation of the Board of Supervisors of Mendocino County—reported the same back verbally recommending its passage.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendment, read a third time, and passed.

On motion of Mr. Denver, the rules were suspended and Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendments.

The question then being, Shall the bill pass? was put.

Lost.

So the bill was rejected.

Mr. Vance gave notice that he would on to-morrow move to reconsider the vote just had by which the bill was rejected.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 6th, 1861. }

*To the Honorable the Senate of California:*

I transmit herewith, for your consideration, copies of papers and communications in relation to the difficulties now existing in the county of Santa Clara in this State.

It appears that Antonio Chabolla is the owner of a tract of land in the county of Santa Clara, for which he has received a patent from the United States. On this land Wm. D. Raymond and others are located, and have been in occupancy for some years as settlers, against whom ejectment has been brought in the Third Judicial District Court of this State, a judgment obtained, and a writ of restitution duly issued to the Sheriff of Santa Clara County, and the execution of which by the Sheriff was resisted by an armed force; whereupon, the Sheriff summoned the power of the county to assist him in the execution of the same, and having exhausted the power of the county, he made return of said writ unexecuted, as will more fully appear by the copy of the writ and the return thereon, hereunto annexed, marked "A."

From the Sheriff's demand upon the Executive for aid of the State, a copy of which is hereunto annexed, marked "B," and my reply thereto, marked "C," together with a communication addressed by me to W. D. Raymond and others, defendants, marked "D," and which was duly delivered by W. G. Morris, special messenger sent for that purpose, and the answer by the defendants thereto, marked "E," including a copy of "Squatters' Declaration of Rights," which is also herewith transmitted, it will be seen that until the alias writ was issued I did not feel authorized to respond to the demand of the Sheriff, particularly as I hoped that the intervening time would give an opportunity for an amicable adjustment between the plaintiff and defendants, and that a conflict between the authorities of the State and her citizens might be thus avoided. And in the hope of effecting a result so desirable, I addressed the defendants, Raymond and others, the communication above referred to as marked "D," and consulted with the plaintiff's counsel, W. Matthews, the result of which were the propositions hereunto annexed, marked "F," and which, from the very fair and liberal terms, I had every reason to believe would be acceptable. It will, however, be seen from the second requisition addressed to the Executive by John A. Murphy, Sheriff, and which was received on yesterday, that an alias writ has been placed in his hand for service—that the propositions of the plaintiff were not accepted by the defendants.

As all hopes of a peaceful solution of these difficulties have been abandoned, I feel it my duty to lay the matter before the Legislature for its consideration, and ask that an appropriation may be made to enable me to send to the assistance of the Sheriff such a force as will secure the faithful execution of the laws. From the nature of the demand of the Sheriff, and the magnitude that this question has assumed, I would suggest that the sum of one hundred thousand dollars be appropriated.

I have no means of ascertaining the merits and demerits of this case; but it is enough to know that the decrees of our courts are disregarded, the laws set at defiance, and its officers openly resisted by an organized armed force. The remedy for all grievances, under our system of government, must be found in the laws, and through the tribunals appointed for its administration and the officers designated for its execution. The State must assert its majesty and power to enforce its laws, or anarchy and confusion will ensue. It is certain that these defendants have their remedy, either in the courts of this State or United States. They can appeal to the Supreme Court of this State from the judgment of the court below, or enjoin the patentee in the Federal courts from proceeding under the patent, and if fraud exist, as they allege, the patent can be set aside.

These parties allege that they hold under the pueblo title of San José,

and that said title covers the land claimed by Chabolla and patented to him. Even if this be so, it makes but little difference, as the United States may issue a patent to the pueblo also. A patent is, at best, but a quitclaim from the government, and does not pretend to decide as between the rights of different claimants. The merits of the respective titles will have to be adjudicated in our State courts, where these parties can have their rights fully established.

It will be observed that the settlers, in their "Declaration of Rights," which is made a part of their answer to my communication, appeal to "higher law," and disregard the law and judgment of the courts of the State. If these principles are to obtain, it were well that it should now be settled as at any other time; for it is in vain that our Legislature should be convened to make laws, and our people taxed to support the government, if we have not the power to enforce them.

I have refrained from any unnecessary haste in this matter, trusting that reflection and calm deliberation would bring these settlers to a sense of the duty they owe to the State, and that they might be induced to yield that ready and willing obedience to the law, in which alone they can expect safety and security.

I request that your honorable body will cause copies of this and accompanying documents to be transmitted to the Assembly for its consideration.

JOHN G. DOWNEY,  
Governor.

The message was read, when Mr. Dickinson offered the following Concurrent Resolution: .

*Resolved*, By the Senate, the Assembly concurring, that a Joint Select Committee of five from each House be appointed to take into consideration the message of the Governor, and accompanying documents, relative to the existing difficulties in the county of Santa Clara.

Adopted.

#### INTRODUCTION OF BILLS.

Mr. Clark, for Mr. De la Guerra, he being in the Chair, introduced a bill for An Act authorizing the settlement of certain Claims against the Estate of Cicero Latillade, late of Santa Barbara County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Franklin, by leave, introduced a bill for An Act to appropriate Money for the purchase of property for the use of the State Insane Asylum.

Read first and second times, and referred to the Committee on Public Hospitals.

Mr. Logan, by leave, introduced a bill for An Act supplemental to an Act entitled An Act to regulate Fees in Office in certain Counties in this State.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Watson, by leave, introduced a bill for An Act to provide for the appointment of an Assayer.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

Mr. Ryan, for Mr. Sharp, by leave, introduced a bill for An Act to pay Counsel for the prosecution of certain persons for the murder of A. A. King.

Read first and second times, and referred to the Committee on Claims.

On motion of Mr. Parks, by unanimous consent, the Enrolling Committee were authorized to insert an enacting clause in Senate Bill, No. 372, An Act amendatory of, and supplementary to, an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine.

#### RESOLUTIONS.

Mr. Heacock offered the following resolution :

*Resolved*, That the Clerk of the Sergeant-at-Arms of the Senate, Thomas M. Davis, be allowed the sum of nine dollars per day during the present session of the Legislature, payable out of the Contingent Fund of the Senate ; and the Sergeant-at-Arms is hereby authorized to make out his account in accordance with this resolution ; *provided*, that the total amount allowed him shall not exceed in any event the sum of nine dollars per day.

Adopted.

Mr. Williamson, by leave, offered the following resolution :

*Resolved*, That the Enrolling Clerk of the Senate be allowed an Assistant, who shall receive eight dollars per diem from the date of his appointment, payable out of the Fund for the pay of Officers and Clerks of the Senate.

Rejected.

#### GENERAL FILE.

Senate Bill, No. 297, An Act to audit and pay the Claim of G. D. Bliss & Co.—was taken up, read a third time, and passed.

Senate Bill, No. 255, An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction, for the twelfth fiscal year—was taken up, read a third time, and passed.

Assembly Bill, No. 344, An Act to provide for the better support of the Common Schools in Contra Costa County—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, and amendments concurred in, read a third time, and passed.

Assembly Bill, No. 278, An Act to authorize the Board of Supervisors of the County of Napa to levy a Tax for School Purposes, and to repeal certain Acts relative thereto—was taken up, read a third time by title, and passed.

Assembly Bill, No. 160, An Act amendatory of an Act to amend An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, and amendments concurred in, read a third time, and passed.

Senate Bill, No. 170, An Act amendatory of an Act entitled An Act to



confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes thereon, approved March twenty-second, eighteen hundred and fifty-nine—was taken up, and considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 353, An Act to audit and allow the Claim of the late Terence Foley—was taken up, and the question being, Shall the bill be engrossed and read a third time? was put and lost.

So the Senate refused to order the bill to be engrossed.

On motion of Mr. Hill, Assembly Bills, Nos. 34, 32, and 9—were taken up, and acted upon as follows :

Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River, at its mouth, to certain parties therein named—was read a third time by title, and passed.

Assembly Bill, No. 32—An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named—was read a third time by title, and passed.

Assembly Bill, No. 9, An Act to transfer certain Funds—was considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, and amendments concurred in, read a third time, and passed.

On motion of Mr. Warmcastle, Senate Bill, No. 221—was taken up, and placed second on file, for Tuesday, May seventh, eighteen hundred and sixty-one.

Senate Bill, No. 346, An Act to provide for the Painting of a Picture for the State of California—was taken up.

Mr. Parks moved to indefinitely postpone the bill.

Mr. Vance moved to refer the bill to the Committee on Education.

Lost.

The question recurring on the motion of Mr. Parks to indefinitely postpone—was put and carried.

So the bill was indefinitely postponed.

Mr. Williamson moved to adjourn.

Lost.

Mr. Parks moved a call of the Senate.

Lost.

On motion of Mr. Dickinson, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, May 7th, 1861 }

Senate met pursuant to adjournment.  
President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Leet, leave of absence was granted to Mr. Gallagher, for one day.

On motion of Mr. Williamson, leave of absence was granted to Mr. Sharp, for one day.

On motion of Mr. Logan, leave of absence was granted to Mr. Denver, for one day.

On motion of Mr. Clark, the Engrossing Clerk was directed to engross such Senate Bills as may be amended by the Assembly, before the same are given to the Enrolling Clerk for enrollment.

#### REPORTS.

Mr. Pico made the following report :

MR. PRESIDENT :—The Los Angeles Delegation, to whom was referred Assembly Bill, No. 496, An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto ;

Also, Assembly Bill, No. 495, An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County, and to provide for the payment of the same, and other matters relating thereto—have had the same under consideration, and report them back, recommending their passage.

PICO,

For the Delegation.

Report received, and with bills, placed on file.

Mr. Logan made the following report :

MR. PRESIDENT :—The undersigned, one of the delegation to whom was referred Senate Bill, No. 289, An Act to amend an Act entitled An Act to alter and define the Boundary Line of Tehama County—have had the same under consideration, report it back, and recommend its passage.

LOGAN.

Mr. Vance made the following report :

MR. PRESIDENT :—The undersigned, a majority of the delegation from the counties of Butte and Tehama, to whom was referred Senate Bill, No. 289, An Act to amend An Act to alter and define the Boundary Line of Tehama County—have had the same under consideration, and recommend the indefinite postponement of the bill.

The following reasons are herewith assigned for our recommendation :

*First*—This bill takes from the county of Butte, and annexes to Tehama, a large scope of territory, say six miles wide, and perhaps fifteen or twenty miles in length ; also, about five hundred citizens, all of whom, or nearly so, are opposed to this proposed change.

*Second*—The line was clearly marked out by the Surveyor-General of the State in eighteen hundred and fifty-nine, and we see no cause of making it more clearly defined.

*Third*—This bill takes the residence of the Sheriff of Butte County into Tehama County.

J. M. VANCE,

RICHARD IRWIN,

Delegation from Butte County.

Mr. Logan moved that Senate Bill, No. 289, above reported, be taken up, and placed at the top of the file for to-morrow.

Lost.

So the bill and reports were placed on file in their order.

Mr. Hill made the following report :

Mr. PRESIDENT:—The State Prison Committee respectfully beg leave to offer the following report in addition to the one heretofore made :

Your committee, after having given all matters connected with the prison full consideration, find that in order to make the prison a place of reformation, as well as punishment for convicts, and to relieve the State from the burden heretofore imposed upon her for the support of the institution, that an additional prison building, for the accommodation of the prisoners, and such workshops and machinery requisite for the employment of the convicts at mechanical pursuits within the prison walls, are necessary to be constructed. They would, therefore, recommend the passage of the accompanying bill, making an appropriation of fifty thousand dollars, to be expended under the direction of the Board of State Prison Directors, or as much thereof as may be necessary for the purpose above specified.

HILL,  
Chairman.

Report received, bill read first and second times, and placed on top of the file for Thursday, May ninth, eighteen hundred and sixty-one.

Mr. Dickinson made the following report :

Mr. PRESIDENT:—The Committee of Free Conference on substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—on the disagreeing votes of the two Houses thereto, have had the same under consideration, and beg leave to report and recommend as follows :

*First*—That the Assembly concur in Senate amendments to section fifteen.

*Second*—That the Assembly concur in Senate amendments to section twenty-one.

*Third*—That the Senate recede from its amendment in making a new section for section twenty-two.

*Fourth*—Amend section thirteen by striking out in lines five and six the words "not more than four," and insert instead thereof the word "two," and by inserting after the word "provided," in line eleven as follows :

"and for the purpose of carrying out the provisions of this section, so far as the same relates to the levy of the taxes herein provided for for the year beginning on the first Monday in March, eighteen hundred and sixty-one, the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose, or at a regular meeting thereof, as the necessity of the case may require; and the Assessor, in cases where he has already made his assessment, shall place in a separate column, opposite the name of the party so assessed, when liable to pay a road poll, the figure one, as required by this act."

*Fifth*—Amend section twenty-one by striking out the word "San Francisco," in line two.

Strike out the word "Amador," in line four, and insert the words "Mendocino and Butte."

After the word "and," in the third line add as follows to the section :

"This act shall not apply to the city and county of San Francisco, except so much of it as provides for the location, alteration, or vacating, of any road or highway, and said portion of this act shall only apply to road districts which may be established in the eleventh and twelfth election districts in said county."

All of which is respectfully submitted.

WILLIAM WATT,  
DICKINSON,  
SHAFTER,

On part of the Senate.

MAGRUDER,  
BRIGGS,  
WOOD of Yolo,

Report received and adopted.

On part of the Assembly.

Mr. Franklin made the following report :

Mr. PRESIDENT :—Your Committee on State Hospitals, to whom was referred Senate Bill, No. 385, An Act appropriating Money for the purchase of Property for the use of the State Insane Asylum—have had the same under consideration, and report the same back, with amendments, and recommend the passage of the bill as amended.

FRANKLIN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Hill, to whom was referred Senate Bill, No. 124, An Act to repeal the Charter of the City of Sonoma—report the same back verbally, recommending that the Senate concur in Assembly amendments thereto.

Report received, and Assembly amendments concurred in.

Mr. Watt made the following report :

Mr. PRESIDENT :—The Committee upon Mines and Mining Interests, to whom was referred Senate Bill, No. 381, An Act to provide for the appointment of an Assayer—have had the same under consideration, and recommend its passage.

WILLIAM WATT,  
For the Committee.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Reported back, without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills have examined Senate Bill, No. 260, An Act amendatory of, and supplementary to, an Act entitled An Act to afford protection to Emigrants to California ;

Also, Senate Bill, No. 170, An Act amendatory of an Act entitled An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes therein, approved March twenty-second, eighteen hundred and fifty-nine—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 6th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 321, An Act relating to the War Debt of this State ;

Also, Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks ;

Also, Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharf ;

Also, Senate Bill, No. 362, An Act amendatory of, and supplementary to, An Act relating to the payment of Stewards of the San Francisco Fire Department ;

Also, Senate Bill, No. 367, An Act to authorize the Board of Supervisors of Tuolumne County to transfer certain Funds ;

Also, Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County remaining in the General Fund to the Contingent Fund ;

Also, Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento ;

Also, Senate Bill, No. 313, An Act fixing the Salaries of the Judges of the Third and Thirteenth Judicial Districts.

JOHN G. DOWNEY,  
Governor.

Mr. Harvey gave notice that he would, on to-morrow, offer an amendment to the Twentieth Joint Rule of the Senate and Assembly, by inserting after the word "fund," in the second line, the words "or the fund for the pay of officers and employes."

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
May 7th, 1861. }

MR. PRESIDENT:—The House has this day passed Assembly Bill, No. 520, An Act to legalize the levy of State and County Taxes for the year eighteen hundred and sixty-one in San Luis Obispo County ;

Also, concurred in Senate Concurrent Resolution, No. 45, Relative to existing difficulties in Santa Clara County—and appointed Messrs. Briggs, Miller, Curtis, Johnson, and Kungle, as committee on part of the Assembly.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 520, above reported—was read first and second times, and referred to the Senator from San Luis Obispo.

The Chair announced as committee on the part of the Senate, on the above reported resolution, Messrs. Haynes, Watt, Thornton, Shafter, and Parks.

Mr. Phelps in the Chair.

Mr. Burbank offered the following concurrent resolution :

*Resolved, By the Senate, the Assembly concurring, that the State of*

California will cheerfully respond to such requisition as the President of the United States may make upon this State, for men, money, and means, to aid in maintaining the supremacy of the Constitution and laws of the United States.

*Resolved*, That the people of California are a loyal and Union loving people, and will hold themselves in readiness at all times to aid our General Government in upholding and defending the Constitution, laws, and property, of the United States, against all insubordination, treason, or rebellion, that may threaten to disturb domestic tranquility, or to endanger the integrity and permanency of the Constitution of the United States.

*Resolved*, That the Governor of California transmit as soon as may be, a copy of these resolutions to the President of the United States.

The resolutions being read, were referred to the Committee on Federal Relations, with instructions to report on Friday morning next.

Mr. Warmcastle offered the following Resolution :

*Resolved*, That George S. Evans, Minute Clerk of the Senate, be allowed two dollars per day, extra pay, during the session, payable out of the Fund for the Pay of Officers and Employés of the Senate.

Mr. Clark moved to refer to the Committee on Contingent Expenses. Lost.

The question then being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Clark, Shafter, and Leet, and taken with the following result : Ayes, 9—noes, 15 :

AYES—Messrs. Heacock, Hill, Logan, Merritt, Thornton, Warmcastle, Watkins, Watt, and Williamson—9.

NOES—Messrs. Burbank, Chase, Clark, De la Guerra, Dickinson, Eagan, Franklin, Harvey, Haynes, Leet, Parks, Pico, Rhodes, Shafter, and Vance—15.

So the resolution was rejected.

Mr. Eagan gave notice that he would, on to-morrow, move to reconsider the vote just taken, by which the Senate refused to adopt the resolution.

Mr. Shafter offered the following resolution :

WHEREAS, The resolution authorizing the Enrolling Committee of the Senate to employ an Assistant Enrolling Clerk, makes no provision for his being paid for his services out of any particular fund, and whereas, the said Assistant has been engaged in the discharge of the duties of said position since the twentieth day of February, eighteen hundred and sixty-one ; therefore,

*Resolved*, That the per diem of eight dollars, of said Assistant Enrolling Clerk, from said day, be, and is hereby, made payable out of the Fund for the payment of Officers and Attachés of the Senate.

Adopted.

Mr. De la Guerra, by leave, made the following report :

MR. PRESIDENT :—Your Special Committee, to whom was referred Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said

Pueblo and City—beg leave to report the same back with amendments, and when so amended, recommend its passage.

PABLO DE LA GUERRA.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

Mr. Hill, by leave, made the following report:

Mr. PRESIDENT:—The Committee on State Prison and Public Buildings, to whom was referred Assembly Concurrent Resolution, No. 56, Relative to State Capitol Buildings—have had the same under consideration, and report the same back with an amendment, and when so amended, recommend its passage.

Amend, by striking out the word "requested," in the fourth line, and in lieu thereof, insert the words, "authorized in their discretion."

HILL,

Chairman.

Report received, resolution amended as proposed, and adopted as amended.

GENERAL FILE.

Senate Bill, No. 265, An Act authorizing the issuance of certain Bonds to Clarke, Dodge & Co.—was taken up, and indefinitely postponed.

Senate Bill, No. 210, An Act in relation to the Probate Court in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, late State Controller, was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, and read a third time. .

The question then being, Shall the bill pass? the ayes and noes were demanded by Messrs. Burbank, Chase, and Vance, and taken with the following result: Ayes, 9—noes, 11:

AYES—Messrs. Burbank, Eagan, Leet, Logan, Phelps, Thornton, Warmcastle, Watkins, and Watt—9.

NOES—Messrs. Chase, Clark, De la Guerra, Harvey, Haynes, Heacock, Merritt, Parks, Rhodes, Shafter, and Vance—11.

So the bill was rejected.

Mr. Chase gave notice that he would, on to-morrow, move a reconsideration of the vote just had, by which the Senate refused to pass the bill.

Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers—was taken up, and Senate substitute therefor, adopted—read first and second times, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 459, An Act to authorize R. M. Williams to remove certain Human Remains—was taken up, read a third time by title, and passed.

Senate Bill, No. 62, An Act relative to the Clerk of the Supreme Court, his Salary, Deputy, and Fees of Office—was taken up, and substitute reported by the Judiciary Committee, adopted.

Read first and second times, rules suspended, considered engrossed, read a third time, and passed.

On motion of Mr. Heacock, the vote by which the bill passed was reconsidered; also, the vote by which the bill was considered engrossed.

Mr. Heacock then moved to strike out, wherever it occurred in the bill, the words, "twenty cents," and insert in lieu thereof, the words, "fifteen cents."

Agreed to.

The rules were again suspended, the bill considered engrossed, read a third time, and passed.

Mr. Watt, by leave, introduced a bill for An Act to authorize the sale of the Estate of the late Maria Smith, deceased.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

On motion of Mr. Shafter, Assembly Bill, No. 102, An Act to authorize the Guardian of John H. M. Townsend, a minor, to sell the Real Estate of said minor—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Assembly Concurrent Resolution, No. 51, Relative to the Boundary Line between Honey Lake Valley and Nevada Territory—was taken from the file, and Senate substitute therefor read and adopted.

Mr. Vance, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy.

Upon which motion, the ayes and noes were demanded by Messrs. Clark, Burbank, and Franklin, and taken with the following result: Ayes, 13—noes, 5.

AYES—Messrs. Burbank, Chase, De la Guerra, Eagan, Harvey, Haynes, Leet, Logan, Phelps, Pico, Rhodes, Vance, and Williamson—13.

NOES—Messrs. Clark, Franklin, Hill, Merritt, and Parks—5.

So the motion prevailed, and the vote was reconsidered.

The question then being, Shall the bill pass? was put and carried.

So the bill passed.

## SPECIAL ORDER.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State, being the special order of the day for two o'clock, P. M.—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Bill reported back, and again made the special order for to-morrow, at two o'clock, P. M.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 27th, 1861.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 216, An Act authorizing Charles H. Brinley, Andres Pico, and James R. Vineyard, to build and construct a Turnpike Road from the ex-Mission of San Fernando, across the Mountain of San Fernando, to the Arroya de Santa Clara, in Los Angeles County.

JOHN G. DOWNEY,  
Governor.

On motion of Mr. Heacock, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, May 8th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Phelps made a verbal report (for the Senator from San Luis Obispo,) to whom was referred Assembly Bill, No. 520, An Act to legalize the levy of State and County Taxes for the year eighteen hundred and sixty-one in San Luis Obispo County—recommending the passage of the bill.

Report received, rules suspended, and bill considered in Committee of the Whole.

## IN SENATE.

Bill reported back without amendments, read a third time, and passed.

Mr. Dickinson made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways have considered Assembly Bill, No. 324, An Act concerning Roads and Highways in the County of Mendocino—and return the same to the Senate without amendment, and recommend its passage.

DICKINSON,  
For Committee.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Phelps made the following report:

MR. PRESIDENT:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 250, An Act supplementary to An Act to confer fur-

ther powers upon the Board of Supervisors of the City and County of San Francisco, etc.—have had the same under consideration and report the bill back with an amendment, and recommend its passage when so amended.

PHHELPS,  
For the Committee.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendment concurred in, read a third time, and passed.

Mr. Shafter from the San Francisco Delegation, to whom was referred Assembly Bill, No. 7, An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claims of George H. Hossefross, F. E. R. Whitney, and H. J. Hastings—reported the same back verbally with a recommendation that the bill pass.

Report received, rules suspended, bill read a third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
May 8th, 1861. }

MR. PRESIDENT :—The House on the third instant, passed the following bills :

Assembly Bill, No. 29, An Act supplementary to an Act entitled An Act for securing Liens to Mechanics and others, approved April nineteenth, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 152, An Act concerning Mining Associations and Companies ;

Also, Assembly Bill, No. 499, An Act to define the Boundary Line between the Counties of Sonoma and Napa ;

Also, Assembly Bill, No. 443, An Act to define the Senatorial and Assembly Districts of this State and to apportion the Representation thereof ;

Also, on the fourth instant, passed Assembly Bill, No. 504, An Act concerning certain Trade-Marks ;

Also, Assembly Bill, No. 515, An Act relating to certain School Moneys in Solano County ;

Also, on yesterday, passed Assembly Bill, No. 275, An Act to amend an Act entitled An Act to amend Section Twenty of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, which became a law by the operation of the Constitution, March twenty-fourth, eighteen hundred and fifty-eight ;

Also, concurred in Assembly amendments to Assembly Bill, No. 492, An Act conferring additional powers on the Board of Supervisors of the City and County of Sacramento ;

Also, passed Assembly Bill, No. 502, An Act amendatory of, and supplementary to, an Act entitled An Act to repeal the Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, passed Senate Bill, No. 247, An Act authorizing C. S. Higgins, and his Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco, with amendments, and request that the Senate concur therein ;

Also, concurred in the amendments of the Senate to Assembly amendments to Senate Concurrent Resolution, No. 81, Relative to adjourning *sine die* ;

Also, adopted report of Committee of Free Conference on Substitute for Assembly Bills, Nos. 68 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads ;

Also, passed Senate Bill, No. 375, An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the grade of certain Streets ;

Also refused to concur in Senate amendments to Assembly amendments to Assembly Bill, No. 160, An Act amendatory of an Act to amend An Act concerning the office of Secretary of State, passed March fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine ;

Also, concurred in Senate amendments to Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River in Mendocino County to certain parties therein named ;

Also, this day adopted report of Committee of Conference on Senate Bill, No. 73, An Act to provide for the Sale of the Marsh and Tide Lands of this State ;

Also, passed, Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas-Pipes in the City and County of San Francisco, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 29, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 152, above reported—was read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly Bill, No. 499, above reported—was read first and second times, and referred to the Senator from Sonoma.

Assembly Bill, No. 443, above reported—was read first and second times, and ordered placed on top of the file for to-morrow, May ninth ;

Assembly Bill, No. 504, above reported—was read first and second times, and referred to the Committee on Manufactures.

Assembly Bill, No. 115, above reported—was read first and second times, and referred to the Senator from Solano.

Assembly Bill, No. 275, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 502, above reported—was read first and second times, and referred to the delegation from Sacramento.

Senate Bill, No. 247, above reported, with Assembly amendments thereto—was considered and amendments concurred in.

Assembly Bill, No. 160, above reported—was taken up, and considered, when the Senate refused to recede from its amendments heretofore made thereto, and appointed a Committee of Free Conference upon the disagreeing vote, consisting of Messrs. Leet, Haynes, and Burbank.

Senate Bill, No. 114, above reported—was considered and Assembly amendments thereto concurred in.

Mr. Eagan, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday refused to adopt the resolution allowing George S. Evans extra pay for his services as Minute Clerk of the Senate.

Agreed to.

Vote reconsidered and the resolution was then read and adopted.

Mr. Haynes offered the following Concurrent Resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Joint Select Committee, to whom was referred the Governor's message and accompanying documents, in reference to the existing difficulties in Santa Clara County be, and are hereby, authorized to appoint a sub-committee of four, composed of two from each House, to proceed forthwith to said county, for the purpose of ascertaining such facts as may enable them to determine as to the necessity of an appropriation and the amount thereof.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Merritt, Chase, and Watt, and taken with the following result: Ayes, 17—noes, 7 :

AYES—Messrs. Burbank, Chase, Franklin, Harvey, Haynes, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Vance, Warmcastle, Watkins, and Watson—17.

NOES—Messrs. De la Guerra, Eagan, Pico, Shafter, Thornton, Watt, and Williamson—7.

So the resolution was adopted.

On motion of Mr. Phelps, Assembly Bill, No. 270, was taken up, and referred to the San Francisco Delegation.

Mr. Chase moved to reconsider the vote by which the Senate on yesterday refused to pass Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, late State Controller.

Agreed to, and vote reconsidered.

The question then being, Shall the bill pass? was put and carried.

So the bill passed.

Mr. Logan, by leave, introduced a bill for An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax and create a Redemption Fund for the payment of County Indebtedness.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

Mr. Harvey offered the following resolution :

*Resolved*, That the Twentieth Joint Rule of the Senate and Assembly be amended so as to read as follows: No increase of the pay of any officer, or attaché, of the Senate or Assembly shall be made by resolution except by unanimous consent.

Adopted.

On motion of Mr. Parks, the vote by which the Senate yesterday ordered all Senate bills amended in the Assembly to be engrossed before given to the Enrolling Clerk for enrollment—was reconsidered.

The motion to make the order was then put, and lost.

Mr. Phelps, Chairman of the Committee on Agriculture, to whom was referred Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State—reported the same back, verbally, with amendments, and recommended the passage of the bill as amended.

Report received, and bill with proposed amendments, placed on file.

Mr. Vance, by leave, introduced a bill for An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five.

Read first and second times, rules suspended, bill considered engrossed, read a third time by title, and passed.

#### REPORTS.

Mr. Heacock made the following report for Mr. Merritt, (he, Mr. Merritt, being in the Chair:)

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 381, An Act to provide for the appointment of an Assayer of Ores and Metals and to define his duties for and within the County of Mono;

Also, Senate Bill, No. 388, An Act to authorize the Sale of the Estate of the late Maria Smith, deceased;

Also, Senate Bill, No. 62, An Act to amend an Act entitled An Act to regulate Fees in Office, approved April tenth, eighteen hundred and fifty-five;

Also, Senate Bill, No. 210, An Act in relation to the Probate Court in the City and County of San Francisco—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Heacock also made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined and report as correctly enrolled the following bills:

Senate Bill, No. 100, An Act to to amend an Act entitled An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto and to incorporate the City and County of Sacramento, approved March nineteenth, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 215, An Act in relation to Bills of Exchange and other negotiable instruments;

Also, Senate Bill, No. 273, An Act to amend an Act entitled An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty;

Also, Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin;

Also, Senate Bill, No. 296, An Act to appropriate Money to pay the Claim of Greenhood & Newbauer;

Also, Senate Bill, No. 193, An Act for the relief of E. L. Green, Sheriff of Sonoma County;

Also, Senate Bill, No. 372, An Act amendatory of, and supplementary to, an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 304, An Act to provide Revenue for the support of the Government of this State;

Also, Senate Bill, No. 235, An Act to appropriate Money to pay the Claim of Wells, Fargo & Co.;

Also, Senate Bill, No. 169, An Act to amend an Act entitled An Act to

regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate Bill, No. 72, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty;

Also, Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned;

Also, Senate Bill, No. 251, An Act to authorize Mariah O'Connor, Administratrix of the Estate of M. O'Connor, deceased, to sell and convey Real Estate;

Also, Senate Bill, No. 208, An Act to amend an Act entitled An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz;

Also, Senate Bill, No. 234, An Act to pay certain Claims and to make an appropriation for the same;

Also, Senate Bill, No. 281, An Act concerning Salaries of certain County Officers in the County of Napa;

Also, Senate Bill, No. 204, An Act amendatory of, and supplementary to, an Act entitled An Act, of April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases;

Also, Senate Bill, No. 340, An Act to authorize Wm. T. Wallace to sell certain Real Estate of his Infant Children—and have this day at one o'clock, P. M. delivered the same to the Governor.

HEACOCK,  
For Committee.

May 8th, 1861.

Report accepted.

#### GENERAL FILE.

Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano, which accrued from and after the first day of May, A. D. eighteen hundred and fifty-four to the first day of October, A. D. eighteen hundred and sixty, and to provide for the payment of the same—was taken up.

The question being on the indefinite postponement—was put, and lost.

The bill was then considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Assembly Bill, No. 282—was taken up.

The question being on the indefinite postponement of the bill, as recommended by the committee—was put and lost.

On motion, the bill was placed at the foot of the file.

Senate Bill, No. 333, An Act to provide for the transfer of Civil Actions from the District Court of the Twelfth Judicial District of the State of California, in and for the City and County of San Francisco, to the District Court of the Fourth Judicial District for trial—was taken up, report of the committee adopted, and the bill indefinitely postponed.

Assembly Bill, No. 36, An Act to grant to certain parties the right to lay down a Railroad Track in the Streets of Sacramento—was taken up, read third time by title, and passed.

Senate Bill, No. 279, An Act to regulate Appeals in this State—was taken up, considered in Committee of the Whole and amended.

## IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read third time, and passed.

Senate Bill, No. 242, An Act to appropriate Money to improve certain Wagon Roads running through the Counties of Butte and Plumas—was taken up.

Mr. Vance moved to make the bill the special order for Saturday next at two o'clock, P. M.

Lost.

Mr. Vance then moved to place the bill at the bottom of the file.

Lost.

On motion the bill was indefinitely postponed.

Mr. Vance gave notice that he would, on to-morrow, make a motion to reconsider the vote by which the bill was indefinitely postponed.

Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers—was taken from the file, and laid on the table.

Assembly Bill, No. 313, An Act to define the Boundaries, and to provide for the Organization of Lake County—was taken up, read a third time by title, and passed.

Senate Bill, No. 292, An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—was indefinitely postponed.

Senate Bill, No. 206, An Act amendatory of, and supplemental to, an Act passed March twenty-sixth, A. D. eighteen hundred and fifty-one, entitled An Act to provide for the disposition of certain Property of the State of California—was taken up, and indefinitely postponed.

Senate Bill, No. 339, An Act to provide for the payment of certain Claims—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Bill reported back, without amendments, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 254—was taken up, and placed at the top of file for to-morrow.

Senate Bill, No. 120—was taken up, and placed at top of file for Tuesday next, May fourteenth.

Senate Bill, No. 163—was taken up, and placed at the bottom of the file.

Senate Bill, No. 31, An Act to authorize Robert Haley to construct a Wharf at the foot of Union Street, in the City and County of San Francisco—was taken up, and indefinitely postponed.

Assembly Bill, No. 247, An Act to amend an Act entitled An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and sixty—was taken up, read a third time, and passed.

Assembly Bill, No. 259, An Act in relation to the Public Pound in the City and County of San Francisco—was taken up, read a third time, and passed.

Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment—was taken up, read a third time, and passed.

Assembly Bill, No. 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco to provide for the

actual and prospective deficiencies in the Corporation Debt Fund of said City and County for the fiscal years one thousand eight hundred and fifty-nine, and one thousand eight hundred and sixty, approved April sixth, eighteen hundred and sixty—was taken up, read a third time, and passed.

Assembly Bill, No. 315, An Act to authorize the Administratrix of the Estate of Gilbert A. Grant to sell and convey Real Estate—was taken up, read a third time, and passed.

Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures—was considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, and bill read a third time.

The question then being, "Shall the bill pass? the ayes and noes were demanded, by Messrs. Burbank, Leet, and Eagan, and taken with the following result: Ayes, 13—noes, 7:

**AYES**—Messrs. Chase, Eagan, Hill, Logan, Merritt, Parks, Pico, Rhodes, Thornton, Vance, Warmcastle, Watkins, and Watson—13.

**NOES**—Messrs. Burbank, Dickinson, Harvey, Haynes, Leet, Shafter, and Williamson—7.

So the bill passed.

Senate Bill, No. 277, An Act relating to the issuance of Certificates to Exempt Firemen within this State—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 315—was taken up, and ordered to be placed at the foot of the file.

Senate Bill, No. 326, An Act to create the office of Commissioner of Immigration, and to encourage and promote direct Immigration to this State from Europe—was taken up; and indefinitely postponed.

Senate Bill, No. 248, An Act to repeal an Act entitled An Act fixing the Salary of the Register of the State Land Office—was taken up, ordered engrossed, and read a third time.

Senate Bill, No. 287, An Act to audit and allow the Claim of John P. Reily—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Hill, the rules were suspended, and Senate substitute for Senate Bill, No. 186, An Act to procure a conveyance by John Center to the State of certain Real and Personal Property at and near the State Prison—was taken up, substitute adopted, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in.

Mr. Phelps moved to suspend the rules further, consider the bill engrossed, and place it upon its passage now.

Lost.

The bill was then ordered to be engrossed and read a third time.

Senate Bill, No. 253, An Act to confirm the Sales made by the State Board of Land Commissioners to Land sold by them in the City and County of San Francisco—was taken up, and indefinitely postponed.

Assembly Bill, No. 434, An Act to amend An Act for the government and protection of Indians—was taken up, and indefinitely postponed.

Assembly Bill, No. 337, An Act to amend An Act concerning Jurors—was taken up, considered in Committee of the Whole, and amended.



## IN SENATE.

Reported back, amendment concurred in, bill read a third time, and passed.

Senate Bill, No. 329, An Act to amend An Act to regulate proceedings in Civil Cases—was taken up, and laid on the table.

Senate Bill, No. 365, An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara—was taken up, rules suspended, bill considered engrossed, read a third time by title, and passed.

Senate Bill, No. 327, An Act to repeal such Laws, and parts of Laws, as declare the American Fork, or River, navigable—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Rhodes, to whom was referred Assembly Bill, No. 456, An Act concerning Fees in certain Counties—reported the same back verbally, with a recommendation that the bill do pass.

Report received, rules suspended, bill considered, read a third time by title, and passed.

## SPECIAL ORDER.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—being the special order of the day for two o'clock, P. M. and that hour having arrived, the bill was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back, and again made the special order for to-morrow, Thursday, May ninth, at two o'clock, P. M.

On motion of Mr. Thornton, the Senate adjourned.

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, May 9th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Haynes presented sundry accounts against the State for Newspapers furnished the present session of the Legislature, which were received, and referred to the Committee on Contingent Expenses.

## REPORTS.

Mr. Vance made the following report:

Mr. PRESIDENT:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 292, An Act to prohibit the skinning of Dead Cattle in certain cases—have had the same under consideration, report the same back to the Senate without amendment, and recommend its passage.

VANCE,  
Chairman.

Report received, and with bill, placed on file.

Mr. Williamson made the following report :

Mr. PRESIDENT:—The Committee on Enrolled Bills, have examined and found correctly enrolled, Senate Bill, No. 247, An Act authorizing C. S. Higgins, and his Associates and Assigns, to lay down Gas-Pipes in the City and county of San Francisco—and delivered the same to the Governor, on Wednesday, May eighth, eighteen hundred and sixty-one, at ten minutes past three o'clock, P. M.

C. V. WILLIAMSON,  
For Committee.

Report accepted.

Mr. Phelps made the following report :

Mr. PRESIDENT:—Your Committee on Agriculture, to whom was referred the matter of Assembly amendments to Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-three—have had the same under consideration, and recommend that the following amendments be made to the amendments of the Assembly.

PHELPS,  
Chairman.

Report received, rules suspended, bill considered, and amendments reported by Mr. Phelps, to the Assembly amendments, adopted—the Assembly amendments, as amended by the Senate, were then read and concurred in.

Mr. Hill made the following report :

Mr. PRESIDENT:—The delegation, to whom was referred Assembly Bill, No. 232, An Act amendatory of An Act to provide for the construction of a Railroad from a point on Petaluma Creek, into the City of Petaluma, and for a Right of Way for the same—report the same back, and recommend its passage.

HILL.

Report received, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back without amendment, read a third time, and passed.

Mr. Warmcastle made the following report :

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly Bill, No. 446—have had the same under consideration, and report it back, and recommend its passage without amendment.

WARMCASTLE,  
Of the Committee.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Haynes made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 379, entitled An Act to legalize the acts of the Surveyor of the County of Siskiyou in defining the Northern Boundary Line of said County—herewith report back the same, and recommend the passage thereof, without amendment.

J. P. HAYNES,  
Of the Delegation.

Mr. Thornton, to whom was referred Assembly Bill, No. 517, An Act relative to the County Officers of the County of Sierra—reported the same back verbally, with a recommendation that the bill pass.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Vance moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill, No. 396, An Act amendatory of An Act concerning lawful Fences, approved April twenty-seventh, eighteen hundred and sixty-one.

The motion was carried, and the vote reconsidered.

The Senate then reconsidered the vote by which the bill was considered engrossed and read a third time, and referred the bill to the Senator from Butte, who, by leave, immediately reported the same back verbally, with a substitute, recommending the adoption of the same.

Report received, substitute read first and second times, and adopted; rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Pico, by unanimous consent, introduced a bill for An Act to authorize John Reed, Guardian, of the Infant Heirs of Josepha Pardee, deceased, to sell certain Real Estate in Sacramento County.

Read first and second times, and referred to the Judiciary Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 9th, 1861.

*To the Honorable, the Senate of California:*

I have to inform your honorable body, that I have approved Senate Bill, No. 281, An Act concerning the Salary of certain County Officers in the County of Napa;

Also, Senate Bill, No. 340, An Act to authorize William T. Wallace to sell certain Real Estate of his Infant Children;

Also, Senate Bill, No. 204, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate Bill, No. 234, An Act to appropriate Money to pay certain Claims;

Also, Senate Bill, No. 215, An Act in relation to Bills of Exchange, and other negotiable instruments;

Also, Senate Bill, No. 244, An Act granting the Right of Way over certain Lands in this State, in the Counties of Alameda and San Joaquin;

Also, Senate Bill, No. 296, An Act to appropriate Money to pay the Claim of Greenhood and Newbauer;

Also, Senate Bill, No. 198, An Act for the Relief of E. L. Green, Sheriff of the County of Sonoma;

Also, Senate Bill, No. 273, An Act to amend an Act entitled An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five;

Also, Senate Bill, No. 372, An Act amendatory and supplementary to an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the

Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April nineteenth, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 235, An Act to appropriate Money to pay the Claim of Wells, Fargo & Co.;

Also, Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty ;

Also, Senate Bill, No. 72, An Act to amend an Act entitled An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved April twenty-eighth, eighteen hundred and sixty.

JOHN G. DOWNEY,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 9th, 1861. }

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate Bill, No. 170, An Act amendatory of an Act entitled An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes thereon, approved March twentieth, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 219, An Act to repeal An Act to declare Feather River Navigable, approved March fourteenth, eighteen hundred and fifty-seven ;

Also, Senate Bill, No. 336, An Act for the Relief of the Sureties upon the recognizance of Mike Froel, of the County of Sierra ;

Also, Senate Bill, No. 378, An Act to legalize the levy of certain Taxes in the County of Tehama, for the year eighteen hundred and sixty-one ;

Also, concurred in Senate amendment to Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one ;

Also, concurred in Senate Concurrent Resolution, Relative to difficulties in Santa Clara County ;

Also, refused to adopt Senate Substitute for Assembly Concurrent Resolution, No. 51, Relative to the Boundary Line between Honey Lake Valley and Nevada Territory ;

Also, indefinitely postponed Senate Bill, No. 356, An Act to provide for the construction of a Railroad in the County of Contra Costa ;

Also, Senate Bill, No. 337, An Act to provide for the payment of Costs incurred and paid by Placer County in the trial of H. Bates, late State Treasurer ;

Also, passed Assembly Bill, No. 387, An Act to provide for recovering the possession of Land by summary proceedings ;

Also, Assembly Bill, No. 301, An Act exempting Lots in Cemeteries and Pews in Churches from levy and forced sale ;

Also, Assembly Bill, No. 440, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed May seventh, eighteen hundred and fifty-five ;

Also, Assembly Bill, No. 469, An Act to amend the Thirty-First Section of the Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty.

J. W. SCOBEE,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Substitute for Assembly Concurrent Resolution, No. 51, above reported—was considered, and laid on the table.

Assembly Bill, No. 387, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 301, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 440, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 469, above reported—was read first and second times, and referred to the Judiciary Committee.

Mr. Harvey offered the following resolution :

*Resolved*, That a committee of three be appointed by the Senate to visit the State Insane Asylum during the interim of the Legislature, whose duty it shall be to examine thoroughly the institution in all its departments and collect such statistics as will enable the committee to mature a more efficient basis for the government and regulation of the Asylum, and make a full report of the same at an early day at the next session of Legislature; *provided*, however, that the compensation for said service shall not exceed the pay of members of the Legislature, and for a time not exceeding two weeks.

Adopted.

The Chair announced as the Committee under the foregoing resolution, Messrs. Harvey, Rhodes, and Parks.

#### GENERAL FILE.

Senate Bill, No. 288—was taken up, and ordered placed at the head of the file for to-morrow.

Mr. Vance moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Senate Bill, No. 242.

Mr. Leet arose to a point of order—That the Senator voted in the negative on the indefinite postponement, and therefore could not move a reconsideration.

The Chair ruled the point of order well taken.

Mr. Phelps in the Chair.

The proposed amendments to the Constitution—were taken up, and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back, and the last proposed amendment, relative to the Eastern Boundary Line of the State, laid on the table.

The other proposed amendments were then considered, and the amendments made in Committee of the Whole concurred in, and placed at the head of the file for to-morrow, May tenth.

Assembly Bill, No. 443, relative to the apportionment of this State—was taken up.

On motion of Mr. Rhodes, ordered to be placed second on file for to-morrow, May tenth.

Mr. Rhodes sent up a condensed and properly arranged statement of the population of the different counties, both white and mixed, carried out in separate columns so as to show upon what basis the representation and apportionment was made in the above bill.

Statement received, and the usual number of copies ordered to be printed for the use of the Senate.

**SPECIAL ORDER.**

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—was taken up, and considered in Committee of the Whole.

**IN SENATE.**

Reported back and again made the special order for to-morrow, May tenth, at two o'clock, P. M.

Mr. Merrett made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 186, An Act to procure a Conveyance by John Center to the State of certain Real and Personal Property at and near the State Prison ;

Also, Senate Bill, No. 327, An Act to repeal such laws, or parts of laws, as declare the American Fork, or River, or any portion thereof, Navigable—and report the same correctly engrossed. MERRITT,

Report accepted.

Chairman.

**MESSAGE FROM THE ASSEMBLY.**

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 9th, 1861. }

Mr. PRESIDENT:—The House has this day concurred in Senate amendments to Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano and to provide for the payment of the same ;

Also, appointed Messrs. Smith of Tulare, Kungle, and Campbell, Committee of Conference on Assembly Bill, No. 160, An Act amendatory of an Act to amend An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine ;

Also, concurred in Senate amendments to Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by the Mayor and Common Council of the City of Santa Barbara of Lands belonging to the said Pueblo and City ;

Also, in those of Assembly Bill, No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 344, An Act to provide for the better support of Common Schools in Contra Costa County ;

Also, Assembly Bill, No. 250, An Act supplementary to an Act, approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight ;

Also, concurred in Senate amendment to Assembly Concurrent Resolution, No. 56, Relative to State Capitol Building.

J. W. SCOBEE,  
Assistant Clerk.

On motion of Mr. Thornton, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, May 10th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Watt, Senate Bill, No. 172—was taken up and ordered to be placed at the top of the file for Thursday next, May sixteenth, eighteen hundred and sixty-one.

### REPORTS.

Mr. Phelps made the following report :

Mr. PRESIDENT :—The San Francisco Delegation, to whom was referred Assembly Bill, No. 270, An Act amendatory of an Act entitled An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, A. D. eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, A. D. eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eighth, A. D. eighteen hundred and fifty-nine, and supplementary of said Acts—have had the same under consideration, and report the bill back, with amendments, and recommend the adoption of the amendments, and the passage of the bill when so amended.

T. G. PHELPS,

For the Delegation.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

### IN SENATE.

Bill reported back, amendments concurred in, read a third time, and passed.

### COMMUNICATION FROM BOARD OF STATE CAPITOL COMMISSIONERS.

The following communication was received from the Board of State Capitol Commissioners :

OFFICE BOARD OF STATE CAPITOL COMMISSIONERS, }  
Sacramento, May 7, 1861.

To the Hon. PABLO DE LA GUERRA,

President of the Senate :

SIR :—I am instructed by the Board of State Capitol Commissioners to extend an invitation to you, and through you to the Honorable Senate of California, to participate in the ceremonies of laying the corner stone of the State Capitol building on Wednesday, the fifteenth inst.

Very respectfully, your obedient servant,

C. J. TORBERT,

Secretary.

Communication received, and Secretary directed to notify the Board of State Capitol Commissioners of the acceptance of the invitation on the part of the Senate.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, late State Controller;

Also, Senate Bill, No. 390, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Senate Bill, No. 277, An Act relative to the issuance of Certificates to Exempt Firemen within this State:

Also, Senate Bill, No. 389, An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax, and create a Redemption Fund for the payment of County Indebtedness—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Haynes made the following report:

Mr. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred sundry accounts for newspapers furnished to Senators, report that they have examined the same, and find due to the following named persons the sums attached to their respective names, and recommend that the same be paid out of the Contingent Fund of the Senate:

James Anthony & Co. for Daily and Weekly Union.....	\$83 00
William Dougherty, Agent for the Alta, Herald, and Chronicle..	166 34
George I. Lytle, Agent for the Times, Bulletin, and Golden Era..	97 00
A. S. Randall & Co. for National Democrat.....	64 00
Waite & Co. for Nevada Journal .....	5 00
Humboldt Times .....	12 60
Bausman & Co. for Hydraulic Press.....	6 00
Christian Advocate.....	4 00
Conley & Patrick, for San Joaquin Republican.....	9 50
McElroy & Blakely, for Pacific Sentinel.....	3 00
Platt & Forbes, for Sierra Democrat .....	6 00
Butte Democrat.....	2 00
Daily News .....	6 00
J. H. McNutt, for Petaluma Argus .....	2 50
Napa County Reporter.....	2 00
A. N. Francisco, for Union Democrat.....	12 00
Gelwicks & January, for Mountain Democrat.....	18 00
San José Tribune.....	4 50
B. P. Avery & Co. for the Appeal .....	14 00
A. Zimmerman, for Morning Call .....	2 00
Postage on papers received.....	11 60
Total amount.....	\$519 84

Report adopted.

J. P. HAYNES,  
Chairman.



Mr. Clark made the following report:

Mr. PRESIDENT:—The Military Committee of both Houses of the Legislature, appointed by Concurrent Resolution of April twenty-seventh, eighteen hundred and sixty-one, in connection with the Clerk of the Board of War Commissioners and the State Treasurer to destroy certain coupons, beg leave to report, that on the ninth day of May they proceeded to carry out the terms of the resolution of the twenty-seventh ult. and destroyed by burning coupons as follows:

Coupons of seven per cent. Bonds.	Amount.
\$1,000 Bonds, 340 sets Coupons, value of each set, \$373 52½..	\$126,998 50
500 Bonds, 394 sets Coupons, value of each set, 186 76½..	73,584 42
250 Bonds, 102 sets Coupons, value of each set, 93 38½....	9,524 89
100 Bonds, 287 sets Coupons, value of each set, 37 35½....	10,720 17
Total .....	\$220,827 98
Coupons of twelve per cent. Bonds.	
\$1,000 Bonds, 197 sets Coupons, value of each set, \$546 00....	\$106,380 00
Total amount of Coupons destroyed .....	\$327,207 98

The books and papers we found in the most complete order, and it affords us great pleasure to bear testimony to the satisfactory manner in which they have been kept by the very intelligent and efficient Clerk of the Board, A. J. Phelan, Esq. for we do not think it would be possible to present a more comprehensive or satisfactory set of accounts than have been kept by him.

CLARK,

On behalf of Senate Committee.

A. WOOD,

On behalf of Assembly Committee.

Report received and committee discharged.

#### SPECIAL ORDER.

The Union and Broderick Expunging Resolutions, being the special order of the day, were taken up.

Mr. Sharp moved to postpone the consideration of the resolutions until Tuesday next, May fourteenth, at half past eleven o'clock, A. M.

Mr. Clark demanded a division of the question.

The question then being first upon postponing the consideration of the Broderick Resolutions, the ayes and noes were demanded, by Messrs. Burbank, Sharp, and Heacock, and taken with the following result: Ayes, 12—noes, 12:

AYES—Messrs. Denver, Dickinson, Haynes, Hill, Merritt, Phelps, Pico, Ryan, Sharp, Thornton, Vance, and Watkins—12.

NOES—Messrs. Burbank, Chase, Clark, Eagan, Franklin, Harvey, Heacock, Irwin, Leet, Logan, and Warmcastle—12.

So the motion was lost.

The question was then put on postponing the consideration of the Union Resolutions, and lost.

The Broderick Expunging Resolutions, introduced by Mr. Edgerton on the twenty-fourth of January, eighteen hundred and sixty-one, were taken up.

Mr. Burbank moved to amend by striking out the last section of the resolution and inserting the following :

"Be, and are hereby, declared to be unjust to the character of the Hon. David C. Broderick while living, and defamatory of the honorable and patriotic fame which a just and truthful record of his acts should uphold and dignify; and, be it further

*Resolved*, That said preamble and resolution, passed as aforesaid, on the twenty-first day of January, eighteen hundred and fifty-nine, are not in accordance with the principles and sentiments of the people of the State of California.

*Resolved*, That the opinion which the Hon. David C. Broderick expressed on the floor of the United States Senate, March twenty-second, eighteen hundred and fifty-eight, of and concerning President Buchanan, was a correct opinion, and has been fully corroborated by the acts of the Chief Executive, both before and since said opinion was expressed."

Mr. Chase moved to amend the amendment by striking out the last resolution.

Agreed to.

The amendment to the resolution was then adopted as amended.

Mr. Sharp then moved to lay the resolution on the table.

Upon which motion, the ayes and noes were demanded, by Messrs. Burbank, Dickinson, and Chase, and taken with the following result : Ayes, 18—noes, 11 :

**AYES**—Messrs. Crittenden, De la Guerra, Eagan, Edgerton, Harvey, Heacock, Irwin, Logan, Merritt, Phelps, Pico, Ryan, Sharp, Thornton, Warmcastle, Watkins, Watson, and Watt—18.

**NOES**—Messrs. Burbank, Chase, Clark, Denver, Dickinson, Franklin, Haynes, Hill, Leet, Rhodes, and Vance—11.

So the motion prevailed, and the resolution as amended was laid on the table.

Mr. Phelps then moved to take up the Assembly Concurrent Resolution, Relative to the same subject matter.

Agreed to, and resolution taken up.

Mr. Burbank offered the same amendment thereto that had been adopted to the Senate Resolution.

Upon the adoption of which, the ayes and noes were demanded, by Messrs. Burbank, Merritt, and Williamson, and taken with the following result : Ayes, 10—noes, 19 :

**AYES**—Messrs. Burbank, Chase, Clark, Haynes, Hill, Leet, Phelps, Rhodes, Sharp, and Watkins—10.

**NOES**—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Edgerton, Franklin, Harvey, Heacock, Irwin, Logan, Merritt, Pico, Ryan, Thornton, Vance, Warmcastle, Watt, and Williamson—19.

So the amendment was lost.

Mr. Watkins in the Chair.

Mr. Sharp moved to refer the resolution to a Select Committee of

three, with instructions to report on to-morrow, May eleventh, eighteen hundred and sixty-one.

Agreed to, and so ordered.

The Chair announced as such Special Committee, Messrs. Sharp, Clark, and Thornton.

On motion, the Union Resolutions were postponed until to-morrow, May eleventh, eighteen hundred and sixty-one, at half past eleven, A. M.

On motion of Mr. Edgerton, the Committee on Elections, to whom was referred Assembly Bill, No. 460, An Act to provide for the Election of Members of Congress for the State of California—were instructed to report the same back to the Senate on to-morrow morning, May eleventh, eighteen hundred and sixty-one.

On motion, leave of absence was granted to Mr. Irwin until Tuesday next, May fourteenth, eighteen hundred and sixty-one.

Mr. Heacock, by unanimous consent, introduced a bill for An Act amendatory of an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento and the County of Sacramento.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Clark, by unanimous consent, introduced a bill for An Act making an Appropriation for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one.

Read first and second times, rules suspended, and the bill considered in Committee of the Whole.

#### IN SENATE.

Bill reported back, without amendment, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Clark, by unanimous consent, introduced a bill for An Act to repeal an Act approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide a Commission to co-operate with one appointed on behalf of the U. S. Government, to ascertain and mark the Eastern Boundary Line of this State.

Read first and second times, and referred to the Committee on Federal Relations.

#### SPECIAL ORDER.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—being the special order of the day for two o'clock, P. M. and that hour having arrived, the bill was taken up, again considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, and amendments all concurred in, except the amendment made to sections thirty and one hundred and sixteen.

The question then being upon concurring in the two last mentioned amendments, was put, and the Senate refused to concur.

The bill was then read a third time, and passed as amended.

On motion, a committee of three was appointed, consisting of Messrs. Clark, Leet, and Chase, with instructions to see that the amendments made to the bill were correctly engrossed.

On motion of Mr. Merritt, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, May 11th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Thornton, Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers—was taken up, and considered in Committee of the Whole.

## IN SENATE.

Reported back without amendment, ordered to be engrossed, and read a third time.

Mr. Edgerton, to whom was referred Assembly Bill, No. 515, An Act relative to certain School Moneys in Solano County—reported the same back verbally, recommending the passage of the bill.

Report received, and bill ordered placed on file.

Mr. Watkins made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Assembly Bill, No. 432, An Act appropriating Money to pay John B. Brady—report the same back with an amendment, and recommend its passage ;

Also, Senate Bill, No. 383, An Act to pay Counsel for the prosecution of certain persons for the murder of A. A. King, and the Claim of J. S. Sterling, for services rendered to Land Commissioners—report the same back, and recommend they be rejected.

WATKINS,  
Chairman.

Report received, and with bills, placed on file.

Mr. Franklin made the following report :

MR. PRESIDENT:—The Committee on State Hospitals, to whom was referred Assembly Bill, No. 299—have had the same under consideration, and report it back without recommendation.

FRANKLIN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills, report as follows :

Assembly Bill, No. 289, An Act defining the mode of Serving Process in the County of San Bernardino—report the same back with the accompanying amendment :

Strike out all of section three.

Passage recommended as amended ;

Also, Assembly Bill, No. 104, An Act to amend section forty-seven, of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—passage recommended ;

Also, Assembly Bill, No. 246, An Act to amend an Act supplementary

to An Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—passage recommended ;

Also, Assembly Bill, No. 389, An Act respecting the rights and duties of Landlords and Tenants—indeinitely postponed ;

Also, Assembly Bill, No. 268, An Act to authorize the formation of Corporations, to provide the members thereof with Homesteads, or lots of Land suitable for Homesteads—indeinitely postponed ;

Also, Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate—passage recommended ;

Also, Senate Bill, No. 391, An Act to authorize John Reed, Guardian of the Infant Heirs of Joseph Pardeo, deceased, to sell certain Real Estate in Sacramento County—passage recommended ;

Also, Assembly Bill, No. 469, An Act to amend the thirty-first section of the Act defining the time of commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty—indeinitely postponed ;

Also, Assembly Bill, No. 301, An Act exempting Lots and Cemeteries, and Pews in Churches, from levy and forced sale—passage recommended ;

Also, Assembly Bill, No. 438, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—indeinitely postponed ;

Also, Assembly Bill, No. 440, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed May seventh, eighteen hundred and fifty-five—indeinitely postponed.

SOL. A. SHARP,  
Chairman.

Report received, and bills placed on file, except Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino—which bill was taken up; considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back and amendments concurred in, read a third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 10th, 1861.

*To the Honorable, the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 251, An Act to authorize Mariah O'Connor, Administratrix of the Estate of Michael T. O'Connor, deceased, to sell and convey Real Estate ;

Also, Senate Bill, No. 208, An Act to amend an Act entitled An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz ;

Also, Senate Bill, No. 304, An Act to provide Revenue for the support of the Government of this State ;

Also, Senate Bill, No. 169, An Act to amend an Act entitled An Act to

regulate Fees in Office in certain Counties in this State, approved April twenty-eighth, eighteen hundred and fifty-seven.

JOHN G. DOWNEY,  
Governor.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills, have examined and find correctly engrossed, Senate Bill, No. 248 ;

Also, Senate Bill, No. 287, An Act to audit and allow the Claim of John P. Reiley ;

Also, Senate Bill, No. 279, An Act to regulate Appeals in this State.

MERRITT,  
Chairman.

Report accepted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 10th, 1861. }

Mr. PRESIDENT :—The Assembly, on the eighth instant, passed Assembly Bill, No. 509, An Act supplementary to An Act to prevent the trespassing of Animals upon private property, approved March thirty-first, eighteen hundred and fifty-five ;

Also, on yesterday, passed Assembly Bill, No. 521, An Act granting to Thomas Harrigan and his Assigns, the right of laying a Railroad Track along a certain Road in the City and County of Sacramento.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 509, above reported—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 521, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Mr. Heacock offered the following resolution :

*Resolved*, That the State Prison Committee of the Senate be granted leave of absence, on Monday next, for the purpose of visiting Folsom and examining the different sites for a Branch State Prison.

Resolution adopted.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills, have examined and found correctly engrossed, Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers.

MERRITT,  
Chairman.

Report accepted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 11th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned.

JOHN G. DOWNEY,  
Governor.

## REPORTS.

Mr. Leet made the following report :

Mr. PRESIDENT :—Your Special Committee, who were appointed in accordance with a resolution adopted by the Senate on the sixteenth day of April, eighteen hundred and sixty-one, for the purpose of examining the copying account and to report to the Senate the number of folios that have been copied, and the amount that has been paid for the same—respectfully report as follows :

Owing to the fact that it is the duty of one of the Standing Committees of the Senate (the Committee on Public Expenditures) to examine all accounts for copying done for and by order of the Senate, and to audit and allow the same, and they have from time to time during the session reported to the Senate certain amounts as correct and justly due to the Secretary for copying, your committee found the duty imposed upon them a very unpleasant one, and, owing to the manner in which the copying has been managed, a very difficult one to discharge. We have, however, after diligent search, inquiry, and investigation, elicited and obtained the following facts, viz :

There has been allowed to the Secretary of the Senate up to April sixteenth, eighteen hundred and sixty-one, for copying, eight thousand four hundred and seven dollars and eleven cents, of which amount five thousand dollars has been paid to him in cash, and three thousand four hundred and seven dollars are yet unpaid. This amount is based on the following items, as shown by the reports of the Committee on Public Expenditures, which are recorded in the journals, viz : Copying for the journal and appendix and copying for the printer, five thousand one hundred and fifty-two dollars and sixty-six cents, leaving the sum of three thousand two hundred and fifty-four dollars and forty-five cents for which no folios, items of work, or copying, have ever been reported to the Senate ; and although your committee have made diligent and thorough search, and have repeatedly called on the Secretary of the Senate for the items upon which the several amounts reported by the committee to make up this last sum are based, they have gained no light, or information, thereon, and are therefore satisfied that there is not, and never was, in the hands, or on the part of the Secretary, any just, or legal, claim against the State for the said sum of three thousand two hundred and fifty-four dollars and forty-five cents, and are also satisfied that it should not be allowed by the Senate and paid to him.

Your committee find that there has been copied for and by order of the Senate not exceeding the following number of folios, and that the total amounts allowed and paid therefor should not have exceeded the following, viz : Writing up the journals and appendix to May first, eighteen hundred and sixty-one, nine thousand eight hundred and thirty-one folios, which, at fifteen cents per folio, (the legal rate,) would amount to the sum of one thousand five hundred and fifty-two dollars and ninety cents—making the total amount three thousand and twenty seven dollars and fifty-nine cents. This calculation is a very liberal one toward the Secretary of the Senate, and gives him a large per centage more than could be allowed him if a close count and estimate of the copying were had. This, however, shows that there had been allowed to him by the Senate the sum of five thousand three hundred and seventy-nine dollars and fifty-two cents more than he is justly and legally entitled to.

In making this report your committee do not deem it to be their duty (under the resolution by which they were appointed) to inquire who the

parties are that have thus imposed upon the Senate and defrauded the State; therefore we leave it for the Senate to determine upon whom the odium connected with this speculation should rest. All of which is respectfully submitted.

S. T. LEET,  
Chairman.

Report read and made the special order of the day for Tuesday next at half past eleven o'clock, A. M.

Mr. Eagan made the following report:

MR. PRESIDENT:—A portion of the committee appointed for the purpose of ascertaining the amount of copying done for the Senate, and the amount paid therefor, report that they have had the subject under consideration and find that there has been paid, for copying done up to date, the sum of eight thousand four hundred and seven dollars, as audited and allowed by the Committee on Public Expenditures, (one of the Standing Committees of the Senate,) and as that committee is composed of five honorable gentlemen we do not deem it necessary, or proper, to go behind their report.

There has been a large amount of writing done for both branches of the Legislature that might have been dispensed with, and many voluminous public documents, such as Governor's messages, reports of State officers, etc. are copied by both the Secretary of the Senate and Clerk of the Assembly, thus putting the State to a large and unnecessary expense, the fault not so much of the officers as of the law under which they act.

Many documents are also copied into the appendix, the printing of which subserves no public good, or interest, and should have long since been dispensed with. These evils will be remedied in the future should a bill, already passed the Senate, relative to the subject, meet the sanction of the House.

Your committee are of opinion that liberal allowance has been made to the Secretary for the work done, and that any further investigation of the matter would not result in any good to the State. All of which is respectfully submitted.

JOHN A. EAGAN.

Mr. Clark, by unanimous consent, introduced a bill for An Act in relation to the Commission appointed on behalf of the State to run and mark the Eastern Boundary Line of the State of California.

Read first and second times, and referred to a Special Committee of three consisting of Messrs. Clark, Rhodes, and Harvey.

Mr. Leet offered the following resolutions:

*Resolved*, That the Controller be, and he is hereby, directed not to draw his warrant on the Treasurer in favor of C. W. Tozer, the Secretary of the Senate, or his assigns, for the several amounts, or sums, of money which have been allowed the Secretary of the Senate for copying done for the Senate since the twenty-first day of March, A. D. eighteen hundred and sixty-one.

*Resolved*, That the Secretary of the Senate be required and directed to return to the Senate all the certified copies of resolutions, or reports, of the Committee on Public Expenditures allowing him pay for copying done for the Senate which have been adopted, or passed, by the Senate since the twenty-first day of March, A. D. eighteen hundred and sixty-one, and issued, or delivered, to him.



Resolutions read and made the special order of the day for Tuesday next, at half past eleven o'clock, A. M: together with the reports of Messrs. Eagan and Leet, on the same subject matter.

# REPORTS.

Mr. Heacock made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined and report as correctly enrolled the following bills :

Senate Bill, No. 149, An Act making appropriations for Deficiencies in the appropriation for the Twelfth Fiscal Year ending June thirtieth, A. D. eighteen hundred and sixty-one;

Also, Senate Bill, No. 55, An Act to amend An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six;

Also, Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

Also, Senate Bill, No. 225, An Act for the relief of Samuel Teal, late Tax Collector in and for the City of San Francisco;

Also, Senate Bill, No. 375, An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the Grade of certain Streets;

Also, Senate Bill, No. 336, An Act for the relief of the Sureties upon the recognizances of Mike Freel of the County of Sierra—which bills were handed to his Excellency the Governor at four o'clock, P. M. on Friday, the tenth day of May, eighteen hundred and sixty-one.

HEACOCK,

Report accepted.

For Committee.

Mr. Clark made the following report :

Mr. PRESIDENT:—The Special Committee, to whom was referred Senate Bill, No. 396, An Act in relation to the Commission appointed on behalf of this State to run and mark the Eastern Boundary Line of the State of California—have had the same under consideration and report it back with amendments, and when so amended recommend its passage.

After the word "all" in the third line, second page, insert the words "or so much of."

In line six, same page, after the word "commission," insert the words "as the Governor may designate."

CLARK,  
HARVEY,  
RHODES.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

# IN SENATE.

Bill reported back and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

# MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

May 11th, 1861. }

Mr. PRESIDENT:—The House on yesterday passed Assembly Bill, No.

12, An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco;

Also, this day, refused to concur in Senate amendments to Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento, and has appointed Messrs. Adams, Powell, and Curtis, Committee on Free Conference, and ask that the Senate appoint a similar committee;

Also, passed Assembly Bill, No. 533, An Act to amend an Act entitled An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four;

Also, on the ninth instant, passed Assembly Bill, No. 201, An Act to provide for the payment of the Claim of General A. M. Winn;

Also, Senate Bill, No. 384, An Act supplementary to an Act entitled An Act to regulate Fees in Office in certain Counties in this State, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 246, An Act supplemental to An Act concerning Notaries Public, passed April thirtieth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved March sixteenth, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 240, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 528, An Act to authorize the construction and maintenance of a Wharf in the County of Contra Costa;

Also, Assembly Bill, No. 524, An Act to amend Section Two of An Act concerning the Office of Public Administrator, passed April fifteenth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 527, An Act submitting to the qualified electors of Tulare County the question of permitting Hogs to run at large in certain portions of this State;

Also, Assembly Bill, No. 493, An Act to audit the Claim of P. Della Torre;

Also, concurred in Senate amendment to Assembly Concurrent Resolution, No. 56, Relative to State Capitol Building;

Also, on May tenth, passed Assembly Bill, No. 532, An Act to fix the compensation of the District Attorney of the County of Sierra;

Also, Assembly Bill, No. 506, An Act to provide for the erection of a State Prison, at, or near, the Town of Folsom;

Also, Senate Bill, No. 297, An Act to audit and allow the Claim of G. D. Bliss & Co.;

Also, Assembly Bill, No. 297, An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said County.

J. M. ANDERSON,

Clerk of the Assembly.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 534, above reported—was read first and second times, and referred to the El Dorado Delegation.

Assembly Bill, No. 12, above reported—was read first and second times, and referred to the delegation from San Francisco.

Assembly Bill, No. 533, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 528, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 529, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 527, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 493, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 532, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 506, above reported—was read first and second times, and referred to the Committee on State Prison and Public Buildings.

Assembly Bill, No. 196, above reported—was taken up, and a Committee of Free Conference appointed thereon, consisting of Messrs. Heacock, Clark, and Dickinson.

Mr. Rhodes, by leave, offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all their influence to procure from Congress, and from the proper authorities of the General Government, a grant to the State of California of a tract of land not more than six miles square, nor less than two miles square, near the town of Folsom, to include both banks and the bed of the American River, for a distance of not less than two miles in length; said tract of land to be selected by the Directors of the State Prison, and to be surveyed by the United States Surveyor-General for the State of California; and when surveyed, and the survey approved, the title of the tract of land to vest absolutely in this State, for uses and purposes connected with the State Prison.

Read, and referred to the Committee on State Prison and Public Buildings.

#### REPORTS.

Mr. Hill made the following report :

Mr. PRESIDENT:—The undersigned, members of the Committee on Federal Relations, to whom was referred Concurrent Resolution, No. —, Relative to the State of the Union—have carefully considered the same, and whilst they cheerfully indorse the sentiments therein contained, they consider that the Union Resolutions pending from the Assembly, and others, cover all the grounds concerning which it is necessary to express an opinion—they therefore report without recommendation.

JOHN H. HILL,  
J. McM. SHAFTER,  
HENRY EDGERTON.

Report received, and with resolution, placed on file.

Mr. Watson made the following report :

Mr. PRESIDENT:—The undersigned, a member of the Committee on Federal Relations, to whom was referred Concurrent Resolutions pledging the State of California to respond to any requisition the President may make for men and money—have had the same under consideration, and beg leave to report, that Congress, and not the President, is the rightful arbitrator in the present difficulties on the Atlantic side of the Confederacy. The undersigned reports, as his conviction, that the people of California are a loyal and Union loving people; as such, they will do equal and exact justice to every portion of the thirty-four States, and if

it should appear that a portion of the States are bent on separation, California, remote from the scene of troubles, will use her best efforts for a peaceful solution. The undersigned recommends the indefinite postponement of the resolutions.

JOHN A. WATSON.

Report received, and placed on file.

Mr. Heacock made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills, have examined and found correctly enrolled, Senate Bill, No. 219, An Act to repeal An Act to declare Feather River Navigable, approved March fourteenth, eighteen hundred and fifty-seven;

Also, Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State;

Also, Senate Bill, No. 378, An Act to legalize the levy of certain Taxes in the County of Tehama, for the year eighteen hundred and sixty-one;

Also, Senate Bill, No. 297—which bills were handed to his Excellency the Governor at one and a half o'clock, P. M. on the eleventh day of May, eighteen hundred and sixty-one.

HEACOCK,

Report accepted.

For Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

May 11th, 1861. }

Mr. PRESIDENT:—The House has this day passed Senate Bill, No. 354, An Act granting certain parties the right to lay a Railroad Track through certain Streets of the City of Sacramento, with amendments;

Also, refused to concur in Senate amendments to Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—and has appointed Messrs. Magruder, Conness, and Miller, a Committee of Free Conference, and ask the appointment of a similar committee on the part of the Senate;

Also, passed Senate Bill, No. 395, An Act submitting to the qualified Electors of San Mateo County, at the next General Election, the question of the removal of the County Seat of said County;

Also, Senate Bill, No. 255, An Act to appropriate Money for the Salary of the Clerk of the Superintendent of Public Instruction for the twelfth fiscal year.

Also, passed Assembly Bill, No. 487, An Act to authorize certain parties therein named, to build and construct a Turnpike Road, and to construct a Bridge across the South Fork of Mokelumne River.

J. W. SCOBEE,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 354, above reported—was considered, and Assembly amendments concurred in.

Assembly Bill, No. 487, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 428, above reported—was taken up, when the Senate refused to recede from its amendments, and appointed a Committee of Free Conference thereon, consisting of Messrs. Clark, Leet, and Chase.

On motion of Mr. Vance, Mr. Logan was added to the Committee on State Prison and Public Buildings.

Mr. Irwin, by unanimous consent, introduced a bill for An Act to submit to the voters of San Mateo County the right to change the County Seat.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 11th, 1861. }

*To the Honorable the Senate of California :*

I transmit herewith a copy of a communication received from Sylvester Mowry, Esq. Commissioner on the part of the United States, to run the boundary line between the State and the Territories of the United States, by which it will be seen that instructions have been received by him to suspend all operations upon the boundary line, to discharge the employés and report any indebtedness which the proceeds of the sale would not discharge to the department for payment.

In view of this suspension on the part of the General Government, it would be well for the Legislature to take such action on the part of the State as would best subserve the interest of the State.

The Commissioner on the part of the State of California was elected to act in conjunction with the Commissioner on the part of the United States, and it would seem that some further legislation would be necessary in order to avoid the useless and unnecessary expense of having a party in the field unable to accomplish the object of the survey.

I respectfully recommend that an act be passed suspending the work on the part of the State until further action and co-operation be had on the part of the General Government.

JOHN G. DOWNEY,  
Governor.

The message being read, was referred to the Special Committee of three appointed on the bill introduced by Mr. Clark on the same subject, consisting of Messrs. Clark, Rhodes, and Harvey.

Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the Terms of Office of the Board of Supervisors of certain Counties of this State, and to fix the Compensation of the Supervisors of Mendocino County—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

#### SPECIAL ORDER.

The Governor's message, vetoing Senate Bill, No. 154, An Act entitled An Act in relation to the Water Front adjacent to Block No. 9, in the City and County of San Francisco—being the special order of the day, was taken up, and the question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the ayes and noes were taken with the following result: Ayes, 16—noes, 8:

**AYES**—Messrs. Chase, Denver, Dickinson, Eagan, Edgerton, Franklin, Harvey, Haynes, Heacock, Hill, Logan, Merritt, Ryan, Sharp, Thornton, and Watkins—16.

**NOES**—Messrs. Burbank, De la Guerra, Irwin, Leet, Pico, Rhodes, Warmcastle, and Williamson—8.

So the bill received the constitutional two-third vote, and was declared passed, notwithstanding the objections of the Governor.

#### GENERAL FILE.

Senate Bill, No. 288, An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, and amendments concurred in.

Mr. Burbank moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded, by Messrs. Burbank, Clark, and Harvey, and taken with the following result: Ayes, 9—noes, 16:

**AYES**—Messrs. Burbank, Chase, Clark, Eagan, Heacock, Merritt, Rhodes, Sharp, and Williamson—9.

**NOES**—Messrs. De la Guerra, Denver, Edgerton, Franklin, Gallagher, Harvey, Haynes, Hill, Irwin, Leet, Logan, Pico, Ryan, Thornton, Watkins, and Watson—16.

So the motion was lost, and the Senate refused to indefinitely postpone the bill.

The bill was then ordered to be engrossed and read a third time.

The proposed amendments to the Constitution were taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and ordered to be placed at the head of the file for Monday next, May thirteenth.

Assembly Bill, No. 334, An Act to provide for the payment of the Claim of W. W. Upton, for certain Services therein mentioned—was taken up, rules suspended, bill read a third time, and passed.

Assembly Bill, No. 423, An Act supplementary to An Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, read a third time, and passed.

Assembly Bill, No. 401, An Act to authorize Davis D. Reve, J. B. Lemon, and James M. Lemon, to build a Wharf at Suisun City—was taken up, rules suspended, bill read a third time by title, and passed.

Senate Bill, No. 243, An Act to authorize the Executors of David C. Broderick, deceased, to sell and convey certain Real Estate—was taken up, and indefinitely postponed.

Senate Bill, No. 360, An Act amendatory of An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill, No. 42, An Act to grant the right to construct a Bridge across the Big River, near its mouth, to certain parties therein named—was taken up, and indefinitely postponed.

Senate Bill, No. 357, An Act authorizing Joseph Galloway to build a Wharf at San Francisco—was taken up, and indefinitely postponed.

Senate Bill, No. 290, An Act to authorize the Property Holders to open a Street in the front of certain Lots in the City and County of San Francisco—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 443—was taken up, and ordered placed at the head of the file for Thursday next, May fourteenth, eighteen hundred and sixty-one.

Senate Bill, No. 357—was taken up, and referred to the Committee on State Prison and Public Buildings.

Assembly Bill, No. 210, An Act to authorize the Guardian of George Horton and Marshall Horton, to sell Real Estate—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 436, An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations, payable out of the Current Expense Fund of said County, for purposes therein named—was taken up, rules suspended, bill read a third time by title, and passed.

Senate Bill, No. 369, An Act for the relief of the Heirs of Abraham De Luier, deceased—was taken up, and indefinitely postponed.

Assembly Bill, No. 208, An Act to authorize the Guardian of Jonathan P. Williams, and Isaac Williams, Minor Heirs, to sell Real Estate—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 318, An Act to fix the Compensation of the County Judge of San Luis Obispo County, and to repeal in part the First Section of an Act entitled An Act to fix the Compensation of the County Judges, etc.—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 342, An Act to authorize the Administrator of the Estate of Julius Lyons, deceased, to sell the Property belonging to said Estate at private sale—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments—was taken up, rules suspended, bill read a third time, and passed.

Assembly Bill, No. 174, An Act to amend An Act to regulate proceedings in Civil Cases—was taken up, and indefinitely postponed.

Assembly Bill, No. 51, An Act to prevent the Amalgamation of different Races of Men in this State—was taken up, considered in Committee of the Whole, and amended.

## IN SENATE.

Bill reported back, and amendments concurred in, read a third time, and passed.

Assembly Bill, No. 345, An Act for the purchase and preservation of the public Newspapers in the Counties of this State—was taken up, and indefinitely postponed.

Senate Bill, No. 19, An Act concerning Prescription—was taken up, and indefinitely postponed.

Assembly Bill, No. 284, An Act to authorize J. C. Cisna to build a Wharf in the Bay of San Luis Obispo, and to construct a Road leading thereto—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 326, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to regulate and license Intelligence Offices in said City and County—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 495, An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County—was taken up, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 338, An Act to authorize Martin T. Smith to construct and maintain a Wharf, at Fishing Rock, in Mendocino County—was taken up, and indefinitely postponed.

Senate Bill, No. 380—was taken from the file, and laid on the table.

Assembly Bill, No. 496, An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company in the County of Los Angeles—was taken up, rules suspended, bill read a third time by title, and passed.

Senate Bill, No. 289, An Act to amend an Act entitled An Act to alter and define the Boundary Line of Tehama County—was taken up.

Mr. Vance moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded by Messrs. Vance, Leet, and Merritt, and taken with the following result: Ayes, 11—noes, 7:

**AYES**—Messrs. Clark, De la Guerra, Eagan, Edgerton, Harvey, Heacock, Irwin, Ryan, Thornton, Vance, and Watson—11.

**NOES**—Messrs. Denver, Franklin, Haynes, Leet, Logan, Merritt, and Rhodes—7.

So the motion prevailed, and the bill was indefinitely postponed.

Senate Bill, No. 163—was taken up, and placed fourth on file for Tuesday next.

Senate Bill, No. 342, An Act to provide for the Boundary Line between the State of California and Nevada Territory—was taken up, and indefinitely postponed.

Senate Bill, No. 385, An Act to appropriate Money for the purchase of property for the use of the State Insane Asylum—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill, No. 292, An Act to prohibit the skinning of Dead Cattle in certain cases—was taken up, and indefinitely postponed.

On motion of Mr. Leet, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary.



## IN SENATE.

SENATE CHAMBER,  
Monday, May 13th, 1861. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called.  
Quorum present.  
Journal of Saturday read and approved.

## REPORTS.

Mr. Watkins, Chairman of the Committee on Claims, to whom was referred Assembly Bill, No. 498, An Act to audit the Claim of P. Della Torre—reported the same back verbally with a recommendation that it do pass.

Mr. Watkins from the same committee, also made a verbal report on the Claim of George W. Nixsen—with a recommendation that the Secretary be requested to transmit the same to the Board of Examiners.

Report received, and Secretary directed accordingly.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills have examined Senate Bill, No. 396, An Act in relation to the Commission appointed on behalf of the State to run and mark the Eastern Boundary Line of the State of California—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Leet made the following report :

Mr. PRESIDENT :—The Committee of Free Conference appointed on the disagreeing vote of the two Houses on Senate amendments to Assembly Bill, No. 160—report as follows :

The committee recommend that the Senate recede from its amendment in regard to the fees for issuing patents for land, and adhere to all the others, and that the Assembly concur in the Senate amendments with the above exception.

LEET,  
Chairman of Senate Committee.  
SMITH of Tulare,  
Chairman of House Committee.

Report received, and adopted.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 11th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved the following bills :

Senate Bill, No. 225, An Act for the relief of Lewis Teal, late Tax Collector for the City and County of San Francisco ;

Also, Senate Bill, No. 375, An Act to authorize the Board of Supervi-

sors of the City and County of San Francisco to change the Grade of certain Streets.

JOHN G. DOWNEY,  
Governor.

Mr. Shafter made the following report :

MR. PRESIDENT :—The San Francisco Delegation, to whom was referred Assembly Bill, No. 12—have had the same under consideration and report the same with proposed amendments, and with the recommendation that when amended as proposed that the bill pass.

Section one, page two, lines nineteen, twenty-one, twenty-seven, and twenty-nine, and page three, line eight, in each line strike out "fifty," and insert "seventy-five."

Page three, line eleven, strike out "ten," and insert "eight."

Page nine, line one, strike out "thirty-four," and insert "forty."

Page nine, lines fourteen and fifteen, strike out both lines.

SHAFTER,  
For Committee.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

Mr. Shafter, from the Committee on Federal Relations, to whom was referred Senate Bill, No. 392, An Act to repeal an Act, approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide a Commission to co-operate with one appointed on behalf of the United States Government to ascertain and mark the Eastern Boundary Line of this State—reported the same back verbally, with a recommendation that the bill be indefinitely postponed.

Report received, rules suspended, and bill taken up and indefinitely postponed.

Mr. Shafter, from the Judiciary Committee to whom was referred Assembly Bill, No. 529, An Act to amend Section Two of An Act relative to the Office of Public Administrator—reported the same back verbally, with a recommendation that the bill pass.

Report received, rules suspended, and bill taken up, read a third time by title, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 13th, 1861. }

MR. PRESIDENT :—The House on the tenth instant, amended and passed Senate Bill, No. 40, An Act to provide for the disposition of certain Property of the State of California, and amended the title so as to read An Act supplementary to, and to amend, an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one;

Also, on the eleventh, passed Assembly Bill, 530, An Act to repeal an Act entitled An Act to confer further powers upon the Board of Education and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 37, An Act for the relief of William H. Brown;

Also, Assembly Bill, No. 536, An Act to repeal An Act to fund the Debt of the County of Solano and to provide for the payment thereof, passed April twenty-fourth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 537, An Act declaring certain Creeks in Marin County Navigable;

Also, passed Senate Bill, No. 365, An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara;

Also, indefinitely postponed the following bills:

Senate Bill, No. 350, An Act to amend an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Senate Bill, No. 282, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 238, An Act for the relief of Thomas W. Day, County Treasurer of Monterey County, to reimburse him for Costs and Expenses incurred by him in a suit for writ of Mandamus, wherein David Jacks was plaintiff;

Also, passed, with amendments and amended title, Senate Bill, No. 131, An Act concerning District Court Reporters for the Fourth, Sixth, Seventh, and Twelfth, Judicial Districts;

Also, passed with amendments, Senate Bill, No. 245, An Act fixing the number of Officers and Employés of the Senate and Assembly, to define their duties, and to establish their pay;

Also, concurred in Senate amendments to Assembly amendments to Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two;

Also, passed Senate Bill, No. 278, An Act concerning the Office of Treasurer, County Clerk, County Recorder, and Clerk of the Board of Supervisors for the County of Sonoma;

Also, passed Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of said deceased at private sale;

Also, Assembly Bill, No. 538, An Act to amend an Act entitled An Act to prohibit Gaming, passed March seventh, eighteen hundred and sixty;

Also, concurred in Senate amendments to Assembly Bill, No. 270, An Act amendatory of an Act entitled An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eighth, eighteen hundred and fifty-nine, and supplementary to said Acts;

Also, passed with amendments, Senate Bill, No. 270, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the other Acts amendatory thereof;

Also, on the tenth instant, passed Assembly Bill, No. 295, An Act to create certain Road Districts in the City and County of San Francisco and to provide for the repair and improvement of Roads therein;

Also, the House refused to recede from its amendments to Senate Bill, No. 205, An Act amendatory of, and supplemental to, An Act passed April

sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—and appointed Messrs. Curtis, Campbell, and Smith of Tulare, Committee of Free Conference.

J. W. SCOBAY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 40, above reported—was taken up, and Assembly amendments thereto concurred in.

Assembly Bill, No. 530, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 37, above reported—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 536, above reported—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 537, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 538, above reported—was read first and second times, and referred to the Committee on Public Morals;

Assembly Bill, No. 295, above reported—was read first and second times and referred to the San Francisco Delegation.

Senate Bill, No. 205, above reported—was taken up and a Committee of Free Conference appointed upon the disagreeing vote of the two Houses thereon, consisting of Messrs. Burbank, Thornton, and Rhodes.

Senate Bill, No. 131, above reported—was taken up, and Assembly amendments thereto concurred in.

Senate Bill, No. 245, above reported, with Assembly amendments thereto—was taken up and amendments concurred in.

Senate Bill, No. 270, above reported, with Assembly amendments thereto—was taken up and the amendments concurred in.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 13th, 1861.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill No. 247, An Act authorizing C. S. Higgins, and his Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco;

Also, Senate Bill, No. 378, An Act to legalize the levy of certain Taxes in the County of Tehama for the year eighteen hundred and sixty-one;

Also, Senate Bill, No. 335, An Act for the relief of the Sureties upon the recognizance of Mike Freel of the County of Sierra;

Also, Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth eighteen hundred and fifty-three;

Also, Senate Bill, No. 149, An Act making appropriations for Deficiencies in the appropriations made for the Twelfth Fiscal Year ending the thirtieth day of June, eighteen hundred and sixty-one.

JOHN G. DOWNEY,  
Governor.

Mr. Clark made the following report:

Mr. PRESIDENT:—The Committee of Free Conference appointed on behalf of Senate and Assembly upon the disagreeing vote of the two Houses

on Assembly Bill, No. 196—would respectfully report that after consultation, they recommend that Senate amendment be amended as follows, to wit:

In line ten, after the word "tax," insert the words "at the rate."

In lines nineteen and twenty, strike out the words "immediately after the passage of this act and."

In lines twenty-six and twenty-seven, strike out the words "who is assessed in the sum of five hundred dollars and upwards."

And when so amended that both Houses concur in Senate amendment.

CLARK,  
HEACOCK,  
DICKINSON,

Senate Committee.

ADAMS,  
POWELL,  
CURTIS,

House Committee.

#### INTRODUCTION OF BILLS.

Mr. Burbank, by unanimous consent, introduced a bill for An Act to exempt certain property from Taxation.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Rhodes, by unanimous consent, introduced a bill for An Act to audit and allow the Claim of John Valentine.

Read first and second times, and referred to the Committee on Claims.

Mr. Denver, by unanimous consent, introduced a bill for An Act to amend an Act entitled An Act appropriating Money for the payment of Copying of the Legislature during the Twelfth Session, approved April fifteenth, eighteen hundred and sixty-one.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion, the Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

#### GENERAL FILE.

Senate Bill, No. 186, An Act to procure a Conveyance by John Center to the State of certain Real and Personal Property at and near the State Prison—was taken up.

On motion of Mr. Leet, referred to a Select Committee of three, consisting of Messrs. Leet, Rhodes, and Merritt, with special instructions to strike out the words "twelve thousand," where they occur in the bill, and insert the words "six thousand."

Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers—was taken up.

Mr. Leet moved to recommit the bill to a Select Committee with special instructions to strike out the name of "Austin E. Smith," where it occurs, and insert the name of "Samuel H. Parker."

Upon which, the ayes and noes were demanded by Messrs. Merritt, Burbank, and Shafter, and taken with the following result: Ayes, 4—noes, 14:

AYES—Messrs. Burbank, Leet, Rhodes, and Shafter—4.

NOES—Messrs. Chase, De la Guerra, Denver, Dickinson, Edgerton, Haynes, Logan, Merritt, Parks, Thornton, Vance, Warmcastle, Watkins, and Watson—14.

So the motion was lost.

The question then recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Rhodes, Denver, and Watson, and taken with the following result: Ayes, 10—noes, 8: ●

**AYES**—Messrs. De la Guerra, Denver, Dickinson, Edgerton, Logan, Rhodes, Shafter, Thornton, Vance, and Watson—10.

**NOES**—Messrs. Burbank, Chase, Haynes, Leet, Merritt, Parks, Warmcastle, and Watkins—8.

So the bill passed.

Mr. Parks moved a call of the Senate.

Agreed to.

Roll called.

Sergeant-at-Arms dispatched for the absentees.

**ABSENT**—Messrs. Chase, Crittenden, Eagan, Edgerton, Franklin, Gallagher, Harvey, Merritt, Sharp, Thomas, Watt, and Williamson.

Messrs. Merritt and Chase appearing at the Bar of the Senate, were admitted and excused.

On motion of Mr. Vance, further proceedings under the call were dispensed with.

Mr. Chase asked and obtained leave of absence for Mr. Watt for two days.

Mr. Watson asked and obtained leave of absence for Mr. Pico for two days.

On motion of Mr. Dickinson, leave of absence was granted to Mr. Franklin for one day.

#### GENERAL FILE, RESUMED.

The proposed amendments to the Constitution—were taken up and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back and amendments concurred in, and the bill ordered engrossed, and placed at the head of the file for to-morrow.

Assembly Bill, No. 432, An Act appropriating Money for the payment of John B. Brady for services rendered as Assistant Engrossing Clerk of the Assembly during the Eleventh Session—was taken up and considered in Committee of the Whole and amended.

#### IN SENATE.

Reported back and amendments concurred in, bill read a third time, and passed.

On motion of Mr. Merritt, the Senate adjourned. ,

PABLO DE LA GUERRA,  
President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, May 14th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Dickinson asked and obtained leave to withdraw from the Senate the petition heretofore presented, praying for the passage of An Act to create the Office of Commissioner of Immigration, and to encourage and promote direct Immigration to this State from Europe.

Mr. Phelps asked and obtained leave to withdraw from the custody of the Senate, Senate Bill, No. 288, An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco.

## REPORTS.

Mr. Merritt made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 360, An Act amendatory of An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate Bill, No. 296, An Act to authorize Property Holders to open a Street in front of certain Lots in the City and County of San Francisco;

Also, Senate Bill, No. 385, An Act to appropriate Money for the purchase of Property for the use of the State Insane Asylum;

Also, Senate Bill, No. 288, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Thomas made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills report as correctly enrolled Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento;

Also, Senate Bill, No. 313, An Act fixing the Salaries of the Judges of the Third and Thirteenth Judicial Districts;

Also, Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County remaining in the General Fund to the Contingent Fund.

PHILIP W. THOMAS,  
Chairman.

Report accepted.

Mr. Phelps made the following report:

Mr. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 509, An Act supplementary to an Act entitled An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, A. D. eighteen hundred and fifty-five;

Also, Assembly Bill, No. 202, An Act in relation to the Herding of

Sheep—have had the same under consideration, and report the bills back, with a recommendation that they do pass. **PHELPS,**  
Chairman.

Report received, rules suspended, bills taken up, and acted upon as follows :

Assembly Bill, No. 509—was read a third time by title, and passed.

Assembly Bill, No. 202—was read a third time by title, and passed.

Mr. Clark made the following report :

Mr. PRESIDENT:—The Committee of Free Conference, to whom was referred Senate amendments to Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—have agreed upon the following report :

That the Senate recede from their amendment to section four.

That section five be amended by inserting after the words “solvent debts,” in the tenth line, the following: “other than those mentioned in this section when the amount thereof exceeds the indebtedness of the party assessed.”

That the Assembly concur in Senate amendment to section six.

That the Assembly concur in Senate amendments to section twenty-five.

That the Assembly concur in Senate amendments to section thirty-six.

That the Assembly concur in Senate amendments to sections thirty-nine and forty-four.

That the Senate recede from their amendments numbered one and two to section forty-nine.

That the Assembly concur in Senate amendments numbered three and four to section forty-nine.

That the Assembly concur in Senate amendment to section fifty-two.

That the Assembly concur in Senate amendment to section fifty-five.

That the Assembly concur in Senate amendment to section eighty-nine.

That the Assembly concur in Senate amendments to section one hundred and seven.

That the Senate recede from its first amendment to section one hundred and eleven.

That the Assembly concur in the second amendment to section one hundred and eleven, and that to the list of county officers there named there be added the “Public Administrator, Coroner, and County Superintendent of Common Schools.”

That the Senate recede from its amendments numbered one and three, to section one hundred and thirteen, and that the Assembly concur in Senate amendment numbered two to section one hundred and thirteen.

That the Assembly concur in Senate amendments to section one hundred and fourteen.

That the Assembly concur in Senate amendments to section one hundred and fifteen.

Also, add to end of section one hundred and seven, amendment in relation to the county of Yuba.

R. C. CLARK,

S. H. CHASE,

S. T. LEET,

Senate Committee.

L. MAGRUDER,

N. C. MILLER,

Assembly Committee.

Report adopted.



Mr. Leet made the following report :

MR. PRESIDENT:—Your Special Committee, to whom was referred Senate Bill, No. 186—with special instructions to amend it by striking out the words “twelve thousand,” wherever they occur in said bill, and insert in lieu thereof the words “six thousand,” report accordingly as follows :

Sec. 2. Strike out the words “twelve thousand,” in the eleventh line, and insert the words “six thousand.”

Sec. 3. Strike out the words “twelve thousand,” in the first line, and insert the words “six thousand.”

LEET,

For the Committee.

The question being upon the adoption of the report, and striking out “twelve thousand,” and inserting “six thousand,” was put and lost.

The bill was then read a third time, and the question being, “Shall the bill pass?” the ayes and noes were demanded, by Messrs. Vance, Heacock, and Leet, and taken with the following result : Ayes, 16—noes, 7 :

AYES—Messrs. Burhank, De Long, Eagan, Edgerton, Harvey, Heacock, Hill, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thornton, and Watson—16.

NOES—Messrs. Chase, Clark, Franklin, Irwin, Leet, Vance, and Warmcastle—7.

So the bill passed.

On motion of Mr. Phelps, the vote by which the title to Assembly Bill, No. 202, just reported by himself and passed, was adopted, reconsidered and amended by striking out all except the words “An Act to restrict the herding of sheep.”

Mr. Hill, from the Committee on State Prison and Public Buildings, to whom was referred Senate Bill, No. 387, An Act to authorize and provide for the erection of additional Buildings at the State Prison—reported the same back, verbally, with a recommendation that the bill do pass.

Report received, and bill placed on file.

#### SPECIAL ORDER.

The special order of the day being the reports of the Special Committee appointed heretofore to investigate and ascertain the amount of copying done for the Senate, etc.

Mr. Leet moved that the reports, together with the resolutions upon the subject, be placed at the head of the file.

Lost.

So the reports and resolutions were considered.

Mr. Irwin in the Chair.

#### COMMUNICATION FROM THE SECRETARY OF THE SENATE.

Mr. Parks, for the Secretary, presented the following communication :

SENATE CHAMBER,

May 14th, 1861. }

*To the Honorable the Senate of the State of California :*

Inasmuch as the report of the Chairman of the Special Committee now under consideration, is calculated, without explanation, to reflect discredit upon me, I ask in justice to myself to make the following statement :

The amount allowed and ordered paid by the Senate for copying, less a small per centage, has been so allowed, not to the Secretary of the Senate, but through him, to the Journal Clerk and other copyists.

I have never made any estimate of the number of folios written, but have paid for the work done according to the payments made therefor by the Senate.

When called upon by Mr. Leet for a statement of the items of copying I informed him of the foregoing facts; that I knew nothing of the amount of writing done, or the amount paid, except from the accounts audited and allowed by the Senate, and that it would be quite impossible for me at this late day to furnish him with a correct statement of the items of writing done during the entire session.

I am instructed by the resolution, should it be adopted, to return to the Senate the audited accounts yet unpaid for want of funds. It will be impossible for me to comply with such instructions. These vouchers have all been transferred by me to the parties doing the writing, or to dealers in such paper, in payment for their services.

C. W. TOZER,  
Secretary Senate.

Communication received and read.

Mr. Warmcastle offered the following resolution: .

*Resolved*, That the whole subject matter of both reports and resolutions, be referred to a Select Committee of five, with authority to send for persons and papers, and to employ one expert to examine the amount of copying done, and to report to the Senate the amount done, or paid, for such copying, and if overpaid, what amount, and what action the Senate should take in the premises, and report within two days.

Adopted.

The Chair appointed on such committee, Messrs. Vance, Merritt, Ryan, Watkins and Williamson.

Mr. Ryan made the following report: .

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 537, An Act declaring certain Creeks in Marin County, navigable—have had the same under consideration, and report it back, recommending its passage.

JAMES T. RYAN,  
Chairman.

Report received, rules suspended, bill taken up, read a third time by title, and passed.

Mr. Thomas made the following report: .

MR. PRESIDENT:—The committee to whom was referred the Act to amend an Act entitled An Act to amend an Act entitled An Act to regulate proceedings in Criminal cases, passed August first, eighteen hundred and fifty-one—report the same back, and recommend its passage.

PHILIP W. THOMAS,  
For Committee.

Report received, rules suspended, and bill considered in Committee of the Whole.

IN SENATE.

Bill reported back without amendments, and read a third time.

The question then being, Shall the bill pass? the ayes and noes were demanded by Messrs. Leet, Thomas, and Vance, and taken with the following result: Ayes, 14—noes, 5:

**AYES**—Messrs. Clark, Dickinson, Eagan, Edgerton, Hill, Irwin, Leet, Merritt, Sharp, Thomas, Thornton, Vance, Watkins, and Williamson—14.

**NOES**—Messrs. Franklin, Haynes, Heacock, Phelps, and Rhodes—5.

Mr. Thomas moved to suspend the Forty-Fifth Rule, and direct the Secretary to report the bill to the Assembly forthwith.

Lost.

Mr. Leet gave notice that he would, on to-morrow, move to reconsider the vote just had, by which the bill passed.

On motion of Mr. Clark, Messrs. Shafter and Harvey were added to the Special Committee of five, appointed to examine as to the amount of copying done for the Senate, etc.

Mr. Edgerton made the following report:

**MR. PRESIDENT:**—Your Committee on Enrolled Bills, have examined and find correctly enrolled, Senate Bill, No. 227, An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in the transmission thereof;

Also, Senate Bill, No. 395, An Act to submit to the qualified Electors of San Mateo County, at the next General Election, the question of the Removal of the County Seat of said County;

Also, Senate Bill, No. 255, An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the twelfth fiscal year;

Also, Senate Bill, No. 334, entitled An Act granting certain parties the right to lay a Railroad Track through certain Streets of the City of Sacramento.

**EDGERTON,**

Report accepted.

Of the Committee.

Mr. Heacock, from the Committee on State Prison and Public Buildings, to whom was referred the communication of the Board of State Capitol Commissioners, and accompanying documents, reported the same back verbally, with a bill for An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty—recommending the passage of the bill.

Report received, and bill read first and second times, and referred to a Special Committee of three, with instructions to report on Thursday next.

The Chair appointed as such committee, Messrs. Eagan, Ryan, and Chase.

On motion of Mr. Edgerton, Assembly Bill, No. 506, was taken from the file, and made the special order of the day for Thursday next, at eleven and a half o'clock, A. M.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

May 14th, 1861. }

**MR. PRESIDENT:**—The House has this day passed Assembly Bill, No.

526, An Act granting to certain persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County Shore;

Also, adopted Assembly Concurrent Resolution, No. 63, Instructing the Surveyor-General to collate Land Laws and the Revenue Act, and for the Printing of the same—and ask the concurrence of the Senate;

Also, adopted the report of the Free Conference Committee, on Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento;

Also, passed Assembly Bill, No. 410, An Act to Incorporate the City of Santa Barbara;

Also, Assembly Bill, No. 546, An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. G. Tomlinson the right to construct a Wagon Road from the City of San Bernardino to Bear and Holcombe Valley, in said County;

Also, Senate Bill, No. 390, An Act amendatory of, and supplementary to, An Act concerning lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, on yesterday, passed Assembly Bill, No. 194, An Act to allow the Claim of Daniel McLaren;

Also, Senate Bill, No. 59, An Act to audit and allow certain Claims;

Also, this day, adopted the report of the Committee of Free Conference, on Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento;

Also, refused to pass, notwithstanding the objections of the Governor, Senate Bill, No. 154, an act entitled An Act in relation to the Water Front adjacent to Block Number Nine, in the City and County of San Francisco;

Also, has adopted the report of the Committee of Free Conference on Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State;

Also, on yesterday, passed Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection, in the year eighteen hundred and fifty-six, with amendments;

Also, Senate Bill, No. 185, An Act to provide for the Engraving and Printing of State Controlier's Warrants;

Also, Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Moneys;

Also, indefinitely postponed Senate Bill, No. 260, An Act amendatory of, and supplementary to, an Act entitled An Act to afford protection to Immigrants to California;

Also, concurred in Senate amendments to Assembly Bill, No. 51, An Act to prevent the Amalgamation of different Races of Men in this State;

Also, concurred in Senate amendments to Assembly Bill, No. 423, An Act supplementary to an Act entitled An Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, passed April twenty-first, eighteen hundred and fifty-six;

Also, concurred in Senate amendments to Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino;

Also, concurred in Senate amendments to Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State;

Also, this day, passed Assembly Bill, No. 544, An Act to authorize Carolino Butterfield, Widow of David Butterfield, deceased, late of Siskiyou County, to convey certain property therein stated.

J. W. SCOBAY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 526, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 63, above reported—was read, and referred to the Committee on Swamp and Overflowed lands.

Assembly Bill, No. 410, above reported—was read first and second times, and referred to the Senator from Santa Barbara.

Assembly Bill, No. 546, above reported—was read first and second times, and referred to the Senator from San Bernardino.

Assembly Bill, No. 194, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 60, above reported, with Assembly amendments thereto—was taken up, and amendments concurred in.

Assembly Bill, No. 544, above reported—was read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Mr. Phelps, by leave of two-thirds of the Senate, introduced a bill for An Act supplementary to an Act entitled An Act submitting to the qualified Electors of San Mateo County, at the next General Election, the question of the removal of the County Seat of said County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Thornton, by unanimous consent, introduced a bill for An Act to provide for the payment of certain Outstanding Indebtedness of Sierra County.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Heacock, by unanimous consent, introduced a bill for An Act to give effect to an Act to audit and allow the Claim of D. G. Bliss & Co.

Read first and second times, and placed on file.

Mr. Lect, by unanimous consent, introduced a bill for An Act concerning an Act entitled An Act to change the venue in the case of Horace Smith, which became a law, March twenty-first, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

Mr. Haynes, by leave, made the following report:

Mr. PRESIDENT:—The Joint Committee, to whom was referred the Executive Message, and other communications relative to difficulties in Santa Clara County, have heard the results of the investigation made by their sub-Committee, who have visited the place of the alleged difficulties, and have considered the same, with said message, and make this, their report:

That the ultimate process issued upon a judgment of the District Court of the Third Judicial District has been resisted, admits of no doubt, and that such resistance was without justification is equally undeniable.

The persons resisting the process state that they deem that injustice has been done them, and complain that they had not had the judgment of the highest appellate Court against them.

The offending parties, however, expressed to your committee a determination to abide by the judgment of the final appellate tribunal upon the questions involved in the present dispute; and as a case is now pending, upon appeal, in the Supreme Court of the United States, wherein all these questions will be presented for solution, and as the plaintiff in the present controversy proposes to initiate new litigation, in which all these mooted questions may be raised, your committee did not deem it improper to advise a course which should avoid present difficulties and promote the furtherance of justice.

This intent was rendered effective by the generous conduct of the plaintiff, Chabolla, and his Attorney, Mr. Mathews, who have caused the writ of execution to be returned unexecuted, with the avowed purpose of enabling those who dispute Chabolla's title the fullest opportunity to contest it.

There seems to be, therefore, no necessity for any legislation, or appropriation, in aid of the process resisted, and certainly none in aid of those who resisted it.

All of which is respectfully submitted.

J. P. HAYNES,

Chairman Senate Committee.

H. W. BRIGGS,

Chairman House Committee.

Received and adopted.

On motion of Mr. Irwin, the Senate adjourned.

PABLO DE LA GUERRA,

President of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,

Wednesday, May 15th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Sharp, from the Special Committee, to whom was referred the Broderick Expunging Resolutions—reported the same back, verbally, with a substitute, recommending the adoption of the substitute.

Report received, and resolutions with the substitute, made the special order for to-morrow, May sixteenth, at half past eleven o'clock, A. M.

Mr. Phelps, for the Senator from Santa Barbara, to whom was referred Assembly Bill, No. 410, An Act to incorporate the City of Santa Barbara—reported the same back, verbally, with the recommendation that the bill pass.

Report received, rules suspended, and bill read a third time by title, and passed.

Mr. Chase offered the following resolution :

*Resolved*, That the Senate, with their Sergeant-at-Arms as Marshal, will, in a body, form in procession for the purpose of attending at the ceremony of laying the corner stone of the Capitol, and that the Senate desire the Assembly to join with them in such procession.

Adopted.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the following bills having had the same under consideration report as follows :

Assembly Bill, No. 387, An Act to provide for recovering the possession of Land by summary proceedings—recommend its indefinite postponement ;

Also, Assembly Bill, No. 343, An Act to make certain Officers of Solano County Salaried Officers—indefinitely postponed ;

Also, Assembly Bill, No. 29, An Act supplementary to an Act entitled An Act for securing Liens to Mechanics and others, approved April nineteenth, eighteen hundred and fifty-six—and recommend its indefinite postponement ;

Also, Assembly Bill, No. 544, An Act to authorize Caroline Butterfield, widow of David Butterfield, late of Siskiyou County, deceased, to convey certain Property therein stated—report the same back with the accompanying amendments :

Add to section two the words “and the said conveyance shall not be valid unless it be approved by the Probate Court of Siskiyou County.”

Passage recommended as amended ;

Also, Assembly Bill, No. 526, An Act granting to certain persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County shore—passage recommended.

SOL. A. SHARP,

Chairman.

Report received, and with bills, placed on file.

Mr. Sharp also made the following report :

MR. PRESIDENT:—The Judiciary Committee report the following resolution and recommend its passage :

*Resolved*, By the Senate that the sum of one hundred dollars be, and the same is hereby ordered paid out of the Contingent Fund of the Senate to Hardenbergh & Dayton for rent of room for the Judiciary Committee of the Senate for the year eighteen hundred and sixty-one.

SOL. A. SHARP,

Chairman.

Resolution adopted.

Mr. Thomas made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined and report as correctly enrolled Senate Bill, No. 196, An Act to amend an Act entitled An Act amendatory of an Act entitled An Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, approved April twentieth, eighteen hundred and fifty-seven, and an Act amendatory thereof passed April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty—

which was handed to his Excellency the Governor at two o'clock, P. M. on the fourteenth day of May, eighteen hundred and sixty-one.

PHILIP W. THOMAS,

Report accepted.

Chairman.

Mr. Williamson made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined and report as correctly enrolled Senate Bill, No. 40, An Act to provide for the disposition of certain Property of the State of California—which bill was handed to his Excellency the Governor at twelve o'clock, on the fourteenth day of May eighteen hundred and sixty-one.

WILLIAMSON,

Report accepted.

Chairman.

Mr. Parks made the following report:

MR. PRESIDENT:—Your Committee on Manufactures, to whom was referred Assembly Bill, No. 504, An Act concerning certain Trade-Marks—report the same back with an amendment, and recommend its passage as amended.

W. H. PARKS,

Report received, and with bill, placed on file.

Chairman.

Mr. Clark made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the several Counties in this State—have had the same under consideration and report it back without amendment, and recommend its passage.

CLARK,

Chairman.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Clark also made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate Bill, No. 48;

Also, Senate Bill, No. 306, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Senate Bill, No. 308, An Act to prevent non-residents of this State from selling Goods without a License;

Also, Senate Bill, No. 294, An Act to amend an Act entitled An Act to provide Revenue for the support of the State, approved April thirtieth, eighteen hundred and sixty;

Also, Senate Bill, No. 374, An Act supplementary to An Act to prohibit Lotteries, Raffles, and other Schemes of like character;

Also, Senate Bill, No. 12;

Also, Assembly Bill, No. 69;

Also, Senate Bill, No. 226—have had the same under consideration and recommend that they be indefinitely postponed.

CLARK,

Chairman.

Report received, and with bills, placed on file.



Mr. Burbank made the following report :

MR. PRESIDENT :—The San Francisco Delegation, to whom was referred Senate Bill, No. 382—have had the same under consideration and report the same back with amendments, and recommend its passage.

CALEB BURBANK,  
For the Delegation.

Report received, rules suspended, and bill considered in Committee of the Whole and amended.

IN SENATE.

Reported back and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Williamson made the following report :

MR. PRESIDENT :—The majority of the Committee on Elections, to whom was referred Senate Bill, No. 28, An Act to provide for the Registering of Electors in the several Counties of the State of California—beg leave to report that they have had the same under consideration and report the same back and recommend that the same be indefinitely postponed.

WILLIAMSON,  
For the Committee.

Report received, and with bill, placed on file.

Mr. Rhodes made the following report :

MR. PRESIDENT :—Your Committee on Claims, to whom was referred Senate Bill, No. 399, An Act to audit and allow the Claim of John Valentine—have had the same under consideration and report the same back with the recommendation that it be passed.

A. S. RHODES,  
For the Committee.

Report received, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Hill made the following report :

MR. PRESIDENT :—The delegation, to whom was referred Assembly Bill, No. 361, An Act to enable the City of Sonoma to compromise controversies relative to City Property and sell Lands—report the same back and recommend that it be indefinitely postponed.

HILL.

Report received, and with bill, placed on file.

Mr. Pico made the following report :

MR. PRESIDENT :—The delegation of the First Senatorial District, to whom was referred Assembly Concurrent Resolution, No. 42—beg leave to report the same back recommending its indefinite postponement.

PICO.

Report received, and with bill, placed on file.

Mr. Pico also made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five—beg leave to report the same back and recommend its passage without amendment.

PICO,  
San Bernardino Delegation.

Report received, and with bill, placed on file.

Mr. Pico also made the following report:

Mr. PRESIDENT:—The delegation, to whom was referred Assembly Bill, No. 546, An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. G. Tomlinson the right to construct a Wagon Road from the City of San Bernardino to Bear and Holcombe Valleys in said County—have had the same under consideration and report it back with amendments recommending its passage.

PICO,

For the Delegation.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

Mr. Haynes offered the following resolution:

*Resolved*, That Senators Parks and Shafter be allowed the sum of sixty dollars each, mileage to and from San José, as a sub-Committee to investigate the Santa Clara difficulties, and that the same be paid out of the Contingent Fund of the Senate.

Adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 15th, 1861. }

Mr. PRESIDENT:—The Assembly, on the 14th instant, passed Senate Bill, No. 373, An Act to provide for Printing the report of the State Agricultural Society;

Also, indefinitely postponed Senate Bill, No. 381, An Act to provide for the appointment of an Assayer of Ores and Metals, and to define his duties, for and within the County of Mono;

Also, Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers;

Also, passed Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—with an amendment, by striking out all after the enacting clause and inserting the accompanying printed amendment;

Also, this day, passed Assembly Bill, No. 551, An Act to amend an Act entitled An Act to authorize José de Jesus Pico to sell certain Land in San Luis Obispo County, belonging to his Infant Children, passed April thirteenth, eighteen hundred and sixty;

Also, Assembly Bill, No. 552, An Act supplementary to an Act entitled An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino.

J. W. SCOBEE,  
Assistant Clerk.

Senate Bill, No. 36, above reported, with Assembly amendments—was taken up, and ordered to be placed second on file for to-morrow, May sixteenth.

Assembly Bill, No. 552, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 551, above reported—was read first and second times, rules further suspended, bill read a third time by title, and passed.

Mr. Denver, from the El Dorado Delegation, to whom was referred Assembly Bill, No. 534, An Act in relation to Public Roads in the County of El Dorado—reported the same back verbally, with a recommendation that the bill pass.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, and amendments concurred in, read a third time, and passed.

Mr. Clark, Chairman of the Finance Committee, to whom was referred Senate Bill, No. 401, An Act concerning an Act entitled An Act to change the venue in the case of Horace Smith, which became a law March twenty-first, eighteen hundred and sixty-one—reported the same back verbally, with a recommendation that the bill pass.

Report received, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Shafter, by unanimous consent, introduced a bill for An Act conferring additional powers upon the Board of Supervisors of the City and County of San Francisco.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Hancock, by unanimous consent, introduced a bill for An Act for the Relief of Jerome Mudden.

Read first and second times, rules further suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Warmcastle, by unanimous consent, introduced a bill for An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Clark, by unanimous consent, introduced a bill for An Act amendatory of An Act granting to Thomas Harrigan and his Assigns the right to construct and lay a Railroad Track along a certain Road in the City and County of Sacramento.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Thornton, by unanimous consent, introduced a bill for An Act supplemental to An Act to audit and allow the Claim of William S. Botts, approved May third, eighteen hundred and sixty-one.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Leet, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill, No. 112.

The motion to reconsider, was then made the special order of the day for Saturday next, May eighteenth, eighteen hundred and sixty-one, at one o'clock, P. M.

On motion of Mr. Chase, the Senate took a recess until three o'clock, P. M.

Four o'clock, P. M.

Mr. Irwin, President *pro tem.* of the Senate, appearing, took the chair and called the Senate to order.

Roll called.

Absent—Messrs. Chase, Clark, De Long, Dickinson, Harvey, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Pico, Ryan, Vance, Warmcastle, Watt, Williamson, and Mr. President.

No quorum present.

Mr. Crittenden moved a call of the Senate.

Agreed to.

Roll called, and Sergeant-at-Arms dispatched for the absentees—Messrs. Chase, Clark, De Long, Dickinson, Harvey, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Pico, Ryan, Vance, Warmcastle, Watt, Williamson, and Mr. President.

Messrs. Leet and Phelps, appearing at the bar of the Senate, were admitted and excused.

Quorum present.

On motion of Mr. Eagan, further proceedings under the call were dispensed with.

On motion of Mr. Edgerton, Assembly Bill, No. 526, An Act granting to certain persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County shore—was taken up.

Mr. Thornton moved to make the bill the special order of the day for to-morrow, May sixteenth, at two o'clock.

Lost.

The bill was then considered in Committee of the Whole.

#### IN SENATE.

Reported back without amendment, read a third time, and passed.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills, have examined and found correctly engrossed, Senate Bill, No. 408, An Act supplemental to An Act to audit and allow the claim of William S. Botts, approved May third eighteen hundred and sixty-one.

SHARP,

Report accepted.

For Committee.

By request of Mr. Thomas, Chairman of the Committee on Enrolled Bills, Mr. Heacock was appointed Chairman of said committee.

On motion of Mr. Haynes, Assembly Bill, No. 544, An Act to authorize Caroline Buterfield, widow of David Buterfield, late of Siskiyou County, deceased, to convey certain Property therein stated—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, amendments concurred in, bill read a third time, and passed.

Mr. Edgerton offered the following resolution :

*Resolved*, That James Sweeney be, and is hereby, allowed the sum of fifty dollars, for services rendered as Porter for Judiciary Committee Room of the Senate, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

Mr. Dickinson presented the account of W. F. Williamson, for services in making arrests as Sergeant-at-Arms of the Senate for the present session.

Received and referred to the Committee on Contingent Expenses.

Mr. Eagan, Chairman of the Committee on Education, to whom was referred Assembly Bill, No. 351, An Act to amend an Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty—reported the same back, verbally, without recommendation.

Report received, rules suspended, bill read a third time by title, and passed.

#### COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners :

OFFICE BOARD OF EXAMINERS,  
Sacramento, May 13th, 1861. }

*To the Honorable, the Senate of California :*

I herewith transmit to your Honorable Body the following claims, which have been approved by the Board, together with the papers and decisions in each case :

Claim No. 232, Conley & Patrick.....	\$48 25
Claim No. 223, Sacramento Gas Company.....	95 30
Total .....	\$143 55

JOHN G. DOWNEY,  
President Board of Examiners.

The communication and accompanying documents were referred to the Committee on Claims.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 14th, 1861. }

*To the Honorable the Senate of California :*

I have to inform your Honorable Body, that I have approved Senate Bill, No. 297, An Act to audit and allow the Claim of G. D. Bliss & Co. ;

Also, Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State ;

Also, Senate Bill, No. 219, An Act to repeal An Act to declare Feather River navigable, approved March fourteenth, eighteen hundred and fifty-seven ;

Also, Senate Bill, No. 255, An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year ;

Also, Senate Bill, No. 395, An Act submitting to the qualified Electors

of San Mateo County, at the next General Election, the question of removal of the County Seat of said County.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 14th, 1861. }

*To the Honorable the Senate of California :*

I herewith return to your Honorable Body Senate Bill, No. 158. An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco—with out my approval, and with the following objections :

This act proposes to grant to the parties therein named the use of that portion of Third Street from its intersection with King Street to the city front, for a period of fifteen years.

Section eleven of the act of eighteen hundred and fifty-nine, being an amendment to section fifty-four of the Consolidation Act of eighteen hundred and fifty-six, declares this an open public street; and, as such, the property owners on both sides have a right to its free use and benefit and the street cannot, with any degree of justice, be appropriated to private uses.

I have on several occasions withheld my signature from bills of this character, (granting franchises in the harbor of San Francisco,) and alleged as a particular reason the necessity for a proper survey, so as to enable the city and State to make such disposition of this interest as would best subserve the commerce of the State, and the interests of the parties to whom this rightfully belonged.

An act granting this very franchise to Robert Haley and John G. O'Leary, passed the Legislature of last year, and did not receive my approval for the reasons already expressed.

The right to erect Wharfs in the harbor of San Francisco has already been vested in the municipal authorities of the city of San Francisco by the Consolidation Act of eighteen hundred and fifty-six, section seventy-four, subdivision seven, all of which was fully and at length treated of, and set forth in my message to your Honorable Body of April sixteenth, eighteen hundred and sixty, accompanying Senate Bill, No. 167, An Act in relation to a Sea-Wall, or Bulkhead, in the City and County of San Francisco.

So long as the act of eighteen hundred and fifty six, known as the Consolidation Act, stands unrepealed, the Board of Supervisors of the city and county of San Francisco have the absolute power and control of this subject, and I have no doubt, when the public interest requires the erection of wharfs, that the local government will exercise the power vested in it and build them.

JOHN G. DOWNEY,  
Governor.

The message was read, and the question being, "Shall the bill pass notwithstanding the objections of the Governor?" the ayes and noes were taken with the following result: Ayes, 18—noes, 5:

AYES—Messrs. Burbank, Denver, Dickinson, Egan, Edgerton, Franklin, Harvey, Haynes, Irwin, Lect, Logan, Phelps, Ryan, Sharp, Thomas Thornton, Watkins, and Watson—18.

NOES—Messrs. Parks, Pico, Rhoades, Shafter, and Warmcastle—5.

So the bill, having received the constitutional two-third vote, was passed, notwithstanding the objections of the Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
• May 15th, 1861. }

Mr. PRESIDENT :—The House, on the eleventh instant, passed Assembly Bill, No. 508, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, on the thirteenth instant, passed Assembly Bill, No. 535, An Act amendatory of, and supplemental to, an Act entitled An Act in relation to the Militia of this State, approved May ninth, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 540, An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one ;

Also, on yesterday, passed Senate Bill, No. 99, An Act to audit and allow a Claim of John F. McCauley—with amendments.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 508, above reported—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 535, above reported—was read first and second times, rules further suspended, bill read a third time by title, and passed.

Assembly Bill, No. 540, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 99, above reported—was taken up, and Assembly amendments thereto concurred in.

On motion of Mr. Dickinson, the Senate adjourned.

RICHARD IRWIN,  
President *pro tem.* of the Senate.

Attest : C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
Thursday, May 16th, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read, amended, and approved, as amended.

Mr. Irwin, President *pro tem.* in the Chair.

Mr. De la Guerra asked and obtained indefinite leave of absence for himself.

Mr. De Long offered the following resolution :

*Resolved*, That the Senate hereby tender their thanks to the Hon. Pablo de la Guerra, for the able, efficient, and impartial manner, in which he has presided over this body.

Adopted unanimously.

#### REPORTS.

Mr. Rhodes, from the Committee on Claims, to whom was referred Assembly Bill, No. 194, An Act to allow the claim of Daniel McLaren—reported the same back verbally, with a recommendation that the bill do pass.

Report received, rules suspended, bill read a third time by title, and passed.

Mr. Heacock made the following report :

Mr. PRESIDENT:—The engrossing Committee have compared Senate Bill, No. 406, and find the same correctly engrossed, and herewith report the same.

HEACOCK.

Report accepted.

For Committee.

Mr. Heacock, by leave, offered the following resolution :

*Resolved*, That the Committee on Enrolled Bills be allowed to appoint as many Assistant Clerks as the committee deem necessary, at a salary of eight dollars per day from the date of their appointment, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Franklin, from the Committee on State Hospitals, made the following report :

Mr. PRESIDENT:—The undersigned, a portion of the Committee on State Hospitals, feel themselves called upon to reply to a report made by a portion of the same committee, styling themselves a Special Committee, and to correct some grave errors into which they have fallen, in point of fact, relative to matters concerning the condition of the State Insane Asylum, and to defend, as they conceive, an attack made upon a report presented by them to the Senate, through the Chairman of the committee, on the nineteenth of March, eighteen hundred and sixty-one, on the same subject. In doing this, they are not actuated in the least by personal considerations, further than to vindicate the truth of history and the reputation of the Trustees and the late Resident Physician of the asylum; all of whom we believe to be gentlemen of high character and vigilant, faithful, and efficient, public officers.

The Special Committee set out, in their most extraordinary production, by stating that, "From the short time allotted the committee, it would be almost impossible to give the institution that examination and inspection, in all of its departments, necessary for a full and reliable report; and especially of the professional treatment of its inmates."

The Special Committee set a proper estimate upon the result of their labors, as the sequel will show.

They say: "The mad-house, its construction, the confinement and treatment of its inmates, cannot be too highly deprecated. Such an appendage to an asylum is at least fifteen years behind the age, and should be superseded by well-ventilated rooms, kind care, and humane treat-



ment of its inmates, which means are successful substitutes for controlling, in a majority of cases, even the raving maniac."

We would ask the Special Committee from whom they obtained the information that the inmates of the mad-house did not receive "kind care and humane treatment?" We have never heard such a charge; on the contrary, our information is that the Resident Physician was pre-eminent for his humanity and kindness in his intercourse with the poor unfortunates of the Insane Asylum. This sentiment is universal in and around Stockton. From the information before us on this subject, we unhesitatingly pronounce the charge, or insinuation, of inhumanity, utterly devoid of truth and a base calumny.

The Special Committee had too short a time allotted them "for a full and reliable report," yet they had ample time to ascertain that the confinement and treatment of the inmates of the mad-house cannot be too highly deprecated. We submit that the above quotations abundantly prove the partisan character of the committee. Indeed, it looks very much as if the character of the report was premeditated.

But we are told that a mad-house is fifteen years behind the age. What is a mad-house? Webster defines it as "A house where insane persons are confined for treatment, or cure." Did the learned Special Committee ever see, or hear of, an Insane Asylum without rooms especially constructed for the confinement of raving maniacs? We confess we never did. We assert, without fear of successful contradiction, that there never was and never will be such a thing. A mad-house is that portion of an Insane Asylum which is set apart for the confinement of the raving maniacs, who are obliged to be separated from the milder and more controllable patients. A mad-house is therefore a necessary appendage of every Insane Asylum.

The celebrated Dr. Kirkbride, of the Pennsylvania Asylum, a gentleman of more general reputation in this department of the profession than any other, either in Europe, or America, in his nineteenth annual report (in eighteen hundred and fifty-nine,) in giving a description of his new asylum, built in accordance with his own plans, and first occupied in eighteen hundred and fifty-nine, says: "Between the dining-rooms of the two wards, seventh and eighth, and made private by sliding doors, are four rooms intended for excited patients." Again, he says: "There are a few rooms, in each one story building, with small windows, out of the reach of the occupants, and intended for the temporary seclusion of very violent, or mischievous, patients." It is worthy of remark that the above description is almost identical with our obsolete mad-house, which is "fifteen years behind the age." But the Special Committee say the mad-houses are not well ventilated. If this was the fact, whose fault is it? Did the Resident Physician, on whom they visit their spleen, have anything to do with the construction of the mad-houses? But it is not true that the mad houses are not well ventilated. There is a transom over each door, opening into a wide passago, say about ten feet wide; and opposite each transom is a window, between one and two feet square, thereby creating a constant current of air through the rooms.

The Special Committee again say, "It is the opinion of your committee that careful, skillful, and well adapted, treatment would materially diminish the number of inmates during the next twelve months, and restore a majority of those unfortunates to their full reason and usefulness."

We would again inquire how, or from what source of information, the Special Committee arrived at the conclusion that "a careful, skillful, and well adapted, treatment" has not been heretofore pursued? They were

at the asylum too short a time to enable them to give a reliable report, and especially of the professional treatment of its inmates. Yet, they were there a sufficient length of time to ascertain that the treatment was all wrong—another evidence of the partisan character of the report.

The Special Committee, after stating that the causes of insanity in California are growing less, proceed to say, "and when we consider that a large majority of the insane persons in California are recent cases, we are led, at least, to a thoughtful inquiry as to the per centage of cure that should obtain." Now, the very reverse of this is true; there is no State in the Union where the poor friendless lunatic is so much neglected as in California. It is extremely seldom that any notice is taken of him until he becomes dangerous to the public, or burdensome to society. Indeed, the law makes one of these conditions necessary to his admission. So that these poor unfortunates may be, and often are, suffering for years from the approaches of insidious disease to complete insanity, without being legally brought under the Physician's charge. Three-fourths of the cases in the California asylum are from the poorest and most wretched class of society, with their constitutions broken down by exposure, or dissipation, or both, and furnish less chances of cure, three to one, than cases occurring elsewhere. Thus, it will be seen, that instead of a large per centage of cures, a small one is to be expected, with the true facts before us.

The Special Committee further state that it is found that of indiscriminate admissions into asylums for the insane, over forty per cent. are discharged cured. This is positively untrue, and the author of the report must have known it, for he mentions, by name, the very report (the Central Ohio Lunatic Asylum,) in which the fact was staring him in the face, that the average per centage of cures, in all the asylums in the United States, is thirty-seven thirty-five hundredths.

The Special Committee again say, "the number of discharges for the last three years (asylum at Stockton,) is about forty-one per cent. Of what proportion of this number is cured were not stated, and your committee have no satisfactory means of ascertaining." Had this committee had a desire to learn the facts and state them fairly, and adduce therefrom just and legitimate conclusions, they would have had no trouble in the case—a simple question would have been sufficient. They would have been told that discharges meant cures, which is always the case unless otherwise stated.

The committee, after admitting that the number of discharges (which means cures in a State institution,) for the past three years is forty-one per cent. say, in the very next paragraph, "had the discharges amounted to eighty per cent. which is not unreasonable to suppose, judging from the statistics of other institutions in the older States, and deducting the number of deaths and escapes, the number now remaining would be one hundred and thirty-nine, instead of four hundred and seventeen." We make this quotation to show the disingenuousness of this whole report. They admit that forty-one per cent. of indiscriminate admissions is about the average of cures in similar institutions, yet, they frequently mention seventy, eighty, and ninety, per cent. as the usual average. They must know that no such per centage was ever attained in any public asylum in the world. They affect to be ignorant of the difference between private asylums and public ones. We have said that discharges means cures unless the contrary is mentioned. Now, the per centage of cures in the Stockton Asylum, under the management of Doctor Aylette, from August first, eighteen hundred and fifty-seven, to December first of the same

year, is forty-eight per cent. thus verifying our report, in which we say, "the treatment (under Dr. Aylotte,) will compare favorably with similar institutions in the United States, or elsewhere." Moreover, many of the institutions referred to will not receive incurable cases at all, and whenever cases become incurable, after having been received, they are discharged, and sent elsewhere. On the contrary, our asylum is intended to provide for not only incurable cases of dementia, but idiotic and epileptic patients. When this is considered, it will be seen how unfair it is to compare the cures of the two institutions which differ so widely in the character of cases treated.

We learn from the Resident Physician, that there are many cases in the asylum of partial dementia and periodical insanity. To the casual observer, the patients would appear sane, and if the Physician's sole object be to swell his list of cures, they might have been discharged, with no other result, however, than to have them soon returned at considerable expense to the State and great detriment to the patient.

The Special Committee state that the total amount of the appropriations for the asylum, including the salaries of the Physicians for the year ending June the thirtieth, eighteen hundred and sixty-one, were ninety-three thousand eight hundred and sixty-six dollars and two cents. Now, this is a mistake. Eight hundred and sixty-six dollars and two cents was appropriated by the last Legislature to pay debts contracted several years ago, as can be seen by reference to the statutes; one thousand dollars was appropriated for the purchase of cows, having no connection, whatever, with the ordinary expenses of the asylum. The Physician's salaries have, we believe, always been a separate appropriation. Had the committee been desirous of doing justice, by consulting the report of the Trustees of the asylum, they would have avoided this error.

The Special Committee further remark, that the entire appropriation will be required to meet the expenditures of the year, and not unlikely a further appropriation be required. If the report of the Trustees is to be relied on, the Special Committee have exhibited a most lamentable ignorance of the financial condition of the asylum upon which they have undertaken to enlighten the Legislature. Instead of expending the monthly appropriation of seven thousand dollars, under the economical management of the Trustees and the late Resident Physician, the expenditures have only reached the monthly sum of five thousand five hundred and fifty-five dollars, leaving in the Asylum Fund, on the twentieth day of April last, to meet the expenses of the ten days and the two months remaining of the fiscal year the sum of thirty thousand and three hundred dollars, so that if the same economy is practiced hereafter that has marked the institution heretofore, there will be in the Hospital Fund unexpended on the last day of June, the end of the fiscal year, seventeen thousand three hundred and thirty-nine dollars. To this should be added four thousand dollars of extra clothing and provisions which were, on the twentieth of April, turned over to his successor by the late Resident Physician. So far, then, from needing a deficiency appropriation, there should be a surplus in the Asylum Fund of twenty-one thousand three hundred and thirty-nine dollars. Can it be possible that the Special Committee never read the Trustees' report? or are they so blinded by partisan hate and prejudice that they cannot see the truth? It may be both.

The Special Committee again say: "Nothing is more apparent to your committee than the necessity of revision in the financial department of the institution; not but what the same has been conducted as economi-

cally as could be expected under the present system, with one or two exceptions." What the one or two exceptions are, the committee do not state, and thus they make indefinite charges, as if to avoid the opportunity of refutation. To prove the economical administration of the asylum, so dwelt upon by the Special Committee, we would refer to the following table in the seventh annual report of the Hamilton County Asylum, in the State of Ohio, for a comparative statement of the cost of maintaining each person per week in some of the principal Insane Asylums in the United States, and these, too, located in those States where living and labor are as cheap, or cheaper, than in any other in the Union.

Pennsylvania Hospital for the Insane, including Officers' salaries	\$5 00
Illinois State Hospital for the Insane, including Officers' salaries..	2 77
Kentucky Western Lunatic Asylum, including Officers' salaries..	2 70
New York State Lunatic Asylum, exclusive of Officers' salaries....	3 83
New Jersey State Lunatic Asylum, exclusive of Officers' salaries	3 24
Bloomington Asylum, New York, exclusive of Officers' salaries..	5 21
Retreat for the Insane, Hartford, Connecticut, exclusive of Officers' salaries.....	3 29
Massachusetts State Insane Hospital, exclusive of Officers' salaries	3 00
Northern Ohio Lunatic Asylum, exclusive of Officers' salaries.....	3 29
Central Ohio Lunatic Asylum, exclusive of Officers' salaries.....	3 18
Southern Ohio Lunatic Asylum, exclusive of Officers' salaries.....	3 16
Hamilton County Lunatic Asylum, exclusive of Officers' salaries	1 71

From this it will be seen that the average cost per week in the above asylums, is three dollars and forty cents, and all, except four, are exclusive of officers' salaries, while the cost in our own asylum, about which so much complaint is made, is three dollars and thirty-two cents, and that, too, including officers' salaries, with the exception of the Resident and Assistant Physicians. Thus it will be seen that, when the high price of labor, provisions, clothing, etc. is considered, there are very few institutions in the United States where more pains has been taken, than in our own institution.

The Trustees of the asylum say, in their report for the year eighteen hundred and sixty (page six), for the last three years, in their annual reports, they have uniformly referred in terms of commendation, "to the efficient manner in which the Resident Physician discharged the arduous and responsible duties of his position, and it affords us great pleasure to add our own testimony to that which has already been adduced and heretofore published; his management has been characterized by economy in expenditure, by industry and good taste in the improvement and cultivation of the grounds, by *humane consideration* for the welfare of the unfortunates committed to his charge, and by a laudable ambition to place this asylum, in all respects, on an equal footing with any other institution of the same character."

Now, these Trustees are all gentlemen of high character, none more so in the State, and the most of them of acknowledged financial ability. Who, then, is presumed to know better the financial condition of the Asylum, the Trustees—Messrs. B. W. Bours, J. W. O'Neil, Wm. Lanier and Lewis Dent—or this celebrated "Special Committee"?

We have seen fit, in alluding to the Majority Committee, to call it (as we find it upon the title page of the report) as the "Special Committee."

for the reason that it was calculated, if not intended, to deceive the public, as in truth they are nothing more, nor less, than a portion of a standing committee, appointed every year by the presiding officer of the Senate.

We exceedingly regret that we have been compelled by a sense of duty to expose the errors and mistakes, (not to use harsher terms,) fallen into by the committee, but we do it in all kindness of feeling. We further regret that gentlemen of high character, and for whom, personally, we have the highest regard, should suffer their party prejudices to get so much the better of their judgments as to publish to the world such gross errors, and calculated as they are to reflect upon gentlemen of as high reputation as their own. This reflection has been cast upon every officer of the institution, as well as the institution itself.

That the institution is not all that we could wish, we are free to confess. Still we believe that it has progressed as rapidly, if not more so, than any other that has fallen under our observation. It has many imperfections, which, under the fostering care of the Legislature, will doubtless in due time be corrected. These improvements must be gradual. The Legislature, in the past has been liberal to it, and doubtless will be so in the future. With all its imperfections it has been in the past truly an asylum—one of which the State has had just cause to be proud. It has contributed immensely to the amelioration of suffering humanity, and we hope will continue to do so, increasing in its usefulness from year to year to the end of time.

J. J. FRANKLIN,  
Chairman State Hospital Committee.  
C. V. WILLIAMSON.

I concur in the above as to the financial condition of the asylum. With the management of the medical department I am not competent to determine.

T. M. WARMCASTLE.

Report received, and together with a report made by Mr. Franklin, March nineteenth, on the same subject, ordered to be printed, and placed on file.

Mr. Sharp made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty—have had the same under consideration, and recommend its passage without amendment.

SOL. A. SHARP,  
Chairman.

Report received, and with bill, placed on file.

Mr. Watkins made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the Claim of the Sacramento Gas Company, for gas furnished the State Capitol, Supreme Court Rooms, State Library, and Governor's Office, from April fifteenth, to June thirtieth, eighteen hundred and sixty, beg leave to report the same back with the accompanying bill, and recommend the passage of the same.

WATKINS,  
Chairman.

Report received, rules suspended, bill read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Clark made the following report :

Mr. PRESIDENT :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 502—have had the same under consideration, and report it back with certain amendments, the adoption of which they recommend, and when so amended, they recommend the passage of the bill.

CLARK.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, bill read a third time, and passed.

Mr. Eagan made the following report :

Mr. PRESIDENT :—The Select Committee, to whom was referred Senate Bill, No. 409, entitled An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the construction of a State Capitol in the City of Sacramento—have had the same under consideration, and report it back with the following amendment, and recommend its passage with the amendment :

Strike out the last three lines of section four, from the word “and,” inclusive, to the end of the section.

EAGAN,  
Chairman.

Report received, and with bill, placed on file.

Mr. Dickinson made the following report :

Mr. PRESIDENT :—The Committee on Counties and County Boundaries, have considered Senate Bill, No. 400, An Act supplementary to an Act entitled An Act submitting to the qualified Electors of San Mateo County, at the next General Election, the question of Removal of the County Seat of said County.

It appears that the question of locating the county seat of said county, has been submitted to the people at two different elections, at both of which, a majority of the electors decided in favor of the present location, and that since the last election, in eighteen hundred and fifty-seven, the county has erected, at considerable cost, suitable buildings at that place. Your committee believe, that under these circumstances, the county seat should not be removed unless by the sanction of a majority of the voters of said county, and upon the condition named in this bill. The committee therefore report the bill to the Senate without amendment, and recommend its passage.

DICKINSON,  
Chairman.

Report received, and with bill, placed on file.

Mr. Merritt made the following report :

Mr. PRESIDENT :—The Committee on Engrossed Bills, have examined Senate Bill, No. 401, An Act concerning an Act entitled An Act to change the venue in the case of Horace Smith, which became a law March twenty-first, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 399, An Act to audit and allow the Claim of John Valentine ;

Also, Senate Bill, No. 382, An Act authorizing Abner H. Barker, Nathan C. Paddock, S. C. Bigelow, and M. A. Bradley, their Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco—and report the same correctly engrossed.

MERRITT,  
Chairman.

Report accepted.

Mr. Burbank made the following report :

Mr. PRESIDENT:—The Committee on Elections, to whom was referred Assembly Bill, No. 460, entitled An Act to provide for the Election of Members of Congress from the State of California—beg leave to report that the passage of the bill cannot accomplish the ostensible object of its advocates. The call for an extra session of Congress is urged as a reason for the change of the election law, but the bill provides that twenty-five days may elapse before the Secretary of State can count the returns, and as it will be the seventh or eighth day of July before the Congressmen elect can receive their credentials, and several days more before they can set out on their journey to Washington, where they cannot arrive before the middle of August ; by that time the extra session of Congress will, in all probability, have adjourned.

The simple question to be submitted to such a Congress, will be that of war, or peace, and it is not reasonable to suppose that more than a few days will be spent in such a debate ; besides, a special election will involve, by no means, inconsiderable expense, and our circumstances urgently dictate economy in the management of the finances of the State, and to avoid a useless expenditure in an election which would be useless. Your committee report the bill back, with the recommendation that it be indefinitely postponed. Respectfully submitted,

PHILIP W. THOMAS,  
Chairman.

WATT,  
THORNTON,  
WILLIAMSON.

Upon the ground that legislation on this subject is inexpedient, I recommend the indefinite postponement of the bill.

C. BURBANK.

Report received, and with bill, placed on file.

#### SPECIAL ORDER.

The special order of the day being the Broderick Expunging Resolutions, so called, they were taken up, and the question being upon the adoption of the substitute reported from the Special Committee heretofore appointed.

Mr. Sharp moved the previous question, which was sustained.

The question then being, Shall the main question be now put ? was put and carried.

Mr. Thornton then asked, and obtained leave, as one of the Special Committee, to enter his dissent from the report of the committee.

The question then being upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Clark, Eagan, and Shafter, and taken with the following result : Ayes, 19—noes, 11 :

AYES—Messrs. Burbank, Chaso, Clark, De Long, Edgerton, Gallagher,

Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Phelps, Rhodes, Ryan, Shafter, Sharp, and Watson—19.

NOES—Messrs. Denver, Dickinson, Eagan, Franklin, Morritt, Parks, Thornton, Vance, Warmcastle, Watkins, and Williamson—11.

So the substitute was adopted, and ordered spread upon the journals as follows :

**WHEREAS**, The Legislature of the State of California, at its tenth session, on the third day of February, eighteen hundred and fifty-nine, passed a series of concurrent resolutions, prefaced by a preamble, which preamble and resolutions are in the words following: " **WHEREAS**, The ninth session of the Legislature of the State of California, passed resolutions instructing our Senators and our Representatives in Congress to support the policy of the National Administration in regard to the admission of Kansas under the Lecompton Constitution; and, *whereas*, the Hon. David C. Broderick, United States Senator from this State, not only disregarded said instructions, but indirectly charged that the members of said Ninth Session of the Legislature had misrepresented the wishes of their constituents; and, *whereas*, the people of this State, at the last election, triumphantly sustained the action of the members of said Ninth Session of the Legislature; therefore, for the purpose of giving to the said David C. Broderick a full understanding of the position he occupies to his constituency, be it *Resolved*, By the Senate, the Assembly concurring, that the Legislature of a State constitutes the immediate constituency of a United States Senator; *resolved*, that a constituency has, at all times, the right, and it is their duty when deemed necessary, to instruct their Representatives upon all matters of public policy pertaining to the duties of such Representatives; and that to such Representatives, when so instructed, there is left no other honorable alternative save obedience, or resignation; *resolved*, that Senator Broderick has neither yielded obedience to the instructions of the Ninth Session of the Legislature of this State, nor has he, as yet, resigned the seat he holds contrary to the wishes of his constituency; *resolved*, that the language used in the speech of said Senator, on the twenty-second day of March, A. D. eighteen hundred and fifty-eight, in the United States Senate, towards the Chief Executive of this Confederacy, was not only undignified and disrespectful, but alike insulting to the Nation and humiliating to the people of this State; *resolved*, that his Excellency, the Governor of this State, be requested to forward a copy of the above resolutions to the Hon. David C. Broderick;" and, *whereas*, said preamble is untrue, inasmuch as the resolutions of instructions referred to therein were not received by the Hon. David C. Broderick until after his vote had been cast in the Senate of the United States, against the Lecompton Constitution; and, *whereas*, the people of this State, and of the United States, have by a very large majority indorsed the course of the Hon. David C. Broderick, against the Kansas policy of the late President of the United States, James Buchanan; and, *whereas*, said preamble and resolutions were inconsiderate, and only intended to wound the feelings of California's honest, able, and faithful, Representative in the Senate of the United States; therefore, be it—

*Resolved*, By the Senate, the Assembly concurring, that the preamble and resolutions hereinbefore recited, passed February third, eighteen hundred and fifty-nine, so far as the same relate to the Hon. David C.



Broderick, are hereby declared to be unjust to his character while living, and derogatory to the honorable and patriotic fame which a true and faithful record of his acts will always accord to his memory.

*Resolved*, That said preamble and resolutions, passed February third, eighteen hundred and fifty-nine, were not true in fact, and are not sanctioned by the people of the State of California; but on the contrary, the people of this State cherish with profound respect the memory and character of the late Hon. David C. Broderick, adorned, as his character eminently was, by integrity, firmness, and patriotism.

The question then being on the passage of the substitute resolution, the ayes and noes were demanded by Messrs. Heacock, Merritt, and Dickinson, and taken with the following result: Ayes, 18—noes, 13:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Phelps, Rhodes, Ryan, Shafter, Sharp, and Watson—18.

**NOES**—Messrs. Denver, Dickinson, Eagan, Franklin, Logan, Merritt, Parks, Thornton, Vance, Warmcastle, Watkins, Watt, and Williamson—13.

So the substitute resolution was adopted.

#### GENERAL FILE.

Assembly Bill, No. 443, An Act to define the Senatorial and Assembly Districts of this State, and to Apportion the Representation thereof—was taken up.

Mr. De Long moved to refer to the Committee on Counties and County Boundaries.

Mr. Ryan moved the previous question.

Sustained.

The question being, Shall the main question be now put? was put and carried.

The question then being, first on the motion of Mr. De Long to refer, was put and lost.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Leet, Phelps, and Chase, and taken with the following result: Ayes, 21—noes, 9:

**AYES**—Messrs. Burbank, Chase, Clark, De Long, Edgerton, Gallagher, Haynes, Hill, Irwin, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Vance, Warmcastle, and Watson—21.

**NOES**—Messrs. Denver, Dickinson, Eagan, Franklin, Harvey, Thornton, Watkins, Watt, and Williamson—9.

So the bill passed.

Mr. De Long gave notice that, on to-morrow, he would move a reconsideration of the vote just had, by which the bill passed.

Senate Bill No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco—was taken up, with Assembly amendments thereto.

Mr. Phelps moved to amend the Assembly amendment, by adding to section six, the words—

*“Provided, further, for the first year the Pilots shall be selected from those now holding branches as Pilots in San Francisco, and shall also be selected from those who have been longest engaged in the business, unless they shall have proved incompetent.”*

Upon which motion, the ayes and noes were demanded by Messrs Burbank, Phelps, and Shafter, and taken with the following result: Ayes, 11—noes, 14 :

**AYES**—Messrs. Burbank, De Long, Harvey, Haynes, Heacock, Leet, Logan, Parks, Phelps, Rhodes, and Shafter—11.

**NOES**—Messrs. Chaso, Denver, Eagan, Edgerton, Gallagher, Irwin, Ryan, Sharp, Thornton, Vance, Warmcastle, Watson, Watt, and Williamson—14.

So the amendment was rejected.

Mr. Shafter moved to amend, by striking out in in line three, section eleven, the words "ten per cent." and inserting in lieu thereof, the words "five per cent."

Lost.

Mr. Shafter then moved to amend, by striking out all after the word "passage," in the twenty-sixth section.

Lost.

Mr. Ryan then moved to concur in the Assembly amendments, except as to the words, "and between such ports and the ports of Oregon, or Washington Territory," in line nine, of section twenty-four.

Upon which motion, the ayes and noes were demanded by Messrs. Burbank, Shafter, and Phelps, and taken with the following result: Ayes, 14—noes, 8 :

**AYES**—Messrs. Chase, De Long, Eagan, Gallagher, Haynes, Irwin, Ryan, Sharp, Thornton, Vance, Warmcastle, Watson, Watt, and Williamson—14.

**NOES**—Messrs. Burbank, Denver, Harvey, Leet, Parks, Phelps, Rhodes, and Shafter—8.

So the motion prevailed, and the amendments were concurred in.

The question then being on concurring in the amendment excepted by the motion of Mr. Ryan, the ayes and noes were demanded by Messrs. Burbank, Phelps, and Shafter, and taken with the following result: Ayes, 4—noes, 19 :

**AYES**—Messrs. Burbank, Denver, Leet, Rhodes, and Shafter—4.

**NOES**—Messrs. Chase, De Long, Eagan, Edgerton, Franklin, Gallagher, Haynes, Irwin, Parks, Phelps, Ryan, Sharp, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, and Williamson—19.

So the Senate refused to concur in the amendment excepted by the motion of Mr. Ryan.

Mr. Eagan moved to reconsider the vote by which the Senate refused to concur in the excepted amendment.

Mr. Edgerton moved to indefinitely postpone the motion to reconsider.

Which motion was put and carried.

So the motion to reconsider was indefinitely postponed.

Mr. Parks gave notice that he would, on to-morrow, move to reconsider the vote just had, by which the Senate indefinitely postponed the motion to reconsider the vote by which the Senate refused to concur in Assembly amendment to section twenty-four of the bill.

The Chair ruled the notice out of order, that the motion could not be entertained.

Mr. Shafter appealed.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?" was put and carried.

So the Chair was sustained.

Mr. Clark in the Chair.

The constitutional amendments were then taken up, and acted upon as follows:

#### PROPOSED AMENDMENTS TO THE CONSTITUTION.

The Legislature of the State of California, at its Twelfth Session, commencing on the seventh day of January, A. D. eighteen hundred and sixty-one, propose the following amendments to sections two, three, five, six, and thirty, and the abrogation of sections thirty-two and thirty-six of article four of the Constitution.

#### ARTICLE IV.

Sec. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of January next, ensuing the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation. No session shall continue longer than ninety days, unless the time be extended by a Joint Resolution, to be passed by a majority of each House.

Sec. 3. The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.

Sec. 5. Senators shall be chosen for the term of four years, at the same time and places as members of Assembly; and no person shall be a member of the Senate, or Assembly, who has not been a citizen and inhabitant of the State and of the county and district for which he shall be chosen, one year next before his election.

Sec. 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of the members of the Assembly; and at the first session of the Legislature, after this section takes effect, the Senators shall be divided by lot as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one-half shall be chosen biennially.

Sec. 30. When a Congressional, Senatorial, or Assembly, District, shall be composed of two, or more, counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly, District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly, Districts, as such county may by apportionment be entitled to.

Sec. 39. Sections thirty-two and thirty-six of said article four are hereby abrogated and annulled, and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to article four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended, or superceded, thereby until the election and qualification of the several officers provided for in said amendments.

Upon the adoption of the foregoing proposed amendments to article four of the Constitution, the ayes and noes were taken with the following result: Ayes, 22—noes, none:

AYES—Messrs. Clark, Denver, Dickinson, Eagan, Edgerton, Franklin,

Gallagher, Harvey, Haynes, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Sharp, Thornton, Watkins, Watson, and Watt—22.

NOES—None.

So the amendments were adopted as above.

The Legislature of the State of California, at its Twelfth Session, commencing on the seventh day of January, A. D. eighteen hundred and sixty-one, propose the following amendments to sections second, eighth and nineteenth, of article five of the Constitution.

#### ARTICLE IV.—EXECUTIVE DEPARTMENT.

Sec. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years, from and after the first Monday in January subsequent to his election, and until his successor is elected and qualified.

Sec. 18. A Secretary of State, a Controller, a Treasurer, an Attorney General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

Sec. 19. The Secretary of State shall keep a fair record of the official acts of the Legislature and the Executive Department of the Government, and shall, when required, lay the same, and all matters relating thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article five, by the Legislature of eighteen hundred and sixty-one, no office shall be superceded, or suspended, thereby until the election and qualification of the several officers provided for in said amendments.

Upon the adoption of the foregoing proposed amendments to article five of the Constitution, the ayes and noes were taken with the following result: Ayes, 25—noes, none:

AYES—Messrs. Chase, Clark, Denver, Dickinson, Eagan, Edgerly, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Leet, Logan, Merritt, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thornton, Warnecke, Watkins, and Watt—25.

So the amendments to Article five of the Constitution were adopted as above.

The Legislature of the State of California, at its Twelfth Session, commencing on the seventh day of January, A. D. eighteen hundred and sixty-one, propose the following amendments to article sixth of the Constitution:

#### ARTICLE VI.—JUDICIAL DEPARTMENT.

Section 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders, or other inferior courts, and the Legislature may establish in any incorporated city, or town.

Sec. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done in Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

Sec. 3. The Justices of the Supreme Court shall be elected by the

qualified electors of the State, at special elections, to be provided by law, at which elections, no officers other than judicial, shall be elected. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years, from the first day of January next after their election; *provided*, that the Legislature of eighteen hundred and sixty-three shall by joint ballot designate one of the five Judges as Chief Justice, and so classify them that one Justice shall go out of office every two years. After the first election the Chief Justice shall be designated by the Justices.

Sec. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases of law which involve the title, or possession, of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Court; and also, in all criminal cases. The court shall also have power to issue writs of *mandamus*, *certiorari*, prohibition, and *habeas corpus*, and also all writs necessary, or proper, to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of *habeas corpus* to any part of the State upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said courts.

Sec. 5. The State shall be divided by the Legislature of eighteen hundred and sixty-three into a convenient number of Judicial Districts, subject to such attention from time to time as the public good may require, in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections, to be held as provided for the election of Justices of the Supreme Court by section three of this article. The District Judges shall hold their offices for the term of six years, from the first day of January next after their election.

Sec. 6. The District Court shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title, or possession, of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of *habeas corpus*, on petition by, or on behalf of, any person held in actual custody in their respective districts.

Sec. 7. There shall be in each of the organized counties of the State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county at the special judicial elections, to be held as provided for the election of Justices of the Supreme Court by section three of this article. The County Judges shall hold their offices for the term of four years, from the first day of January next after their election.

Sec. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also, such criminal jurisdiction as the Legislature may prescribe. They shall also have appellate jurisdiction in all cases arising in courts held by Justices of the Peace, and Re-

corders, and in such inferior courts as may be established in pursuance of section one of this article, in their respective counties. The County Judges shall also hold, in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of *habeas corpus*, on petition by, or on behalf of any person in actual custody in their respective counties.

Sec. 9. The Legislature shall determine the number of Justices of the Peace to be elected in such city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record. The Supreme Court, the District Courts, the Probate Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

Sec. 10. The Legislature shall fix by law the jurisdiction of any Recorder's, or other inferior municipal court, which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities, of the Judges thereof; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record.

Sec. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, Coroners and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be *ex officio* Clerks of the courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one, or more, Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Court and County Court, and also to take deposition, to hear cases on reference, and to perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 12. The times and places of holding the terms of the several courts of record shall be provided for by law.

Sec. 13. No judicial officer, except Justices of the Peace, Recorders and Commissioners, shall receive to his own use any fees, or perquisites of office.

Sec. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

Sec. 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, as stated, during their continuance in office, receive for their service a compensation, which shall not be increased, or diminished, during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the county treasury of their respective counties.

Sec. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.

Sec. 17. Judges shall not charge Juries with respect to matters of fact, but may declare the law.

Sec. 18. The style of all process shall be, "The People of the State of California," and all presentations shall be conducted in their name, and by their authority.

Sec. 19. In order that no inconvenience may result to the public service, from the taking effect of the amendments proposed to said article sixth, by the Legislature of eighteen hundred and sixty-one, no officer

shall be superseded thereby, nor shall the organization of the several courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.

Upon the adoption of the foregoing proposed amendment to article six of the Constitution, the ayes and noes were taken with the following result: Ayes, 24—noes, none:

**AYES**—Messrs. Burbank, Chase, Clark, Denver, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thornton, Warmcastle, and Watt—24.

**NOES**—None.

So the amendment to article six, was adopted, as above.

Mr. Merritt, to whom was referred Assembly Concurrent Resolution, No. 60, Relative to granting the Judge of the Thirteenth Judicial District leave of absence—by leave, reported the same back verbally, with a recommendation that it be adopted.

Report received, and resolution read and adopted.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 364, An Act providing for the publication, and reference to the Legislature of the State of California for the year eighteen hundred and sixty-two, of the Amendments to the Constitution proposed by the Legislature of the year eighteen hundred and sixty-one—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back, and amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Burbank in the Chair.

On motion of Mr. Sharp, Senate Bill, No. 409—was taken up, and after discussion, referred to a Special Committee of five, consisting of Messrs. Phelps, Chase, Leet, Heacock, and Clark, with instructions to report on to-morrow, May seventeenth.

Mr. Shafter, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 308, An Act to amend an Act entitled An Act to provide for the Funding and Payment of the outstanding Claims against the City of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight—reported the same back verbally, with a recommendation that the bill do pass.

Report received, rules suspended, bill read a third time by title, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
May 16th, 1861. }

Mr. PRESIDENT:—The House, on the twenty-second instant, passed Assembly Bill, No. 472, An Act to give effect to an Act therein named;

Also, this day, passed Assembly Bill, No. 376, An Act for the Relief of Thomas R. Eldridge, Assignee of Miguel Smith;

Also, Assembly Bill, No. 548, An Act amendatory of, and supplementary to, An Act to confer further powers on the Board of Supervisors of

the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 386, An Act authorizing the settlement of certain Claims against the Estate of Cesario Lataillade, late of Santa Barbara County ;

Also, Senate Bill, No. 404, An Act amendatory of An Act granting Thomas Harrigan and his Assigns, the right to lay a Railroad Tract along a certain Road in the City and County of Sacramento ;

Also, Senate Bill, No. 406, An Act for the Relief of Jerome Madden.

Also, concurred in Senate amendments to Assembly Bill, No. 432, An Act appropriating Money for the payment of John B. Brady for services rendered as Assistant Engrossing Clerk of the Assembly, during the Eleventh Session of the Legislature ;

Also passed Senate Bill, No. 408, An Act supplemental to an Act entitled An Act to audit and allow the Claim of William S. Botts, approved May third, eighteen hundred and sixty-one, with amendments and amended title ;

Also, Assembly Bill, No. 545, An Act to appropriate Money to pay the Claim of J. C. Pelton ;

Also, Assembly Bill, No. 547, An Act making appropriations for the support of the Civil Government of this State, for the thirteenth fiscal year ;

Senate Bill, No. 389, An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax, and create a Redemption Fund for the payment of the County Indebtedness ;

Also, adopted Assembly Concurrent Resolution, No. 24, Relative to Mail-Routes in this State ;

Also, have receded from its amendments to section twenty-four, in which the Senate refused to concur, of Senate Bill, No. 56, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco ;

Also, concurred in Senate amendments to Assembly Bill, No. 502, An Act amendatory of, and supplementary to, An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, concurred in Senate amendments to Assembly Bill, No. 534, An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said County ;

Also, concurred in Senate amendments to Assembly Bill, No. 546, An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. G. Tomlinson the right to construct a Wagon Road from the City of San Bernardino to Bear and Holcombe Valleys, in said County ;

Also, concurred in Senate amendments to Assembly Bill, No. 544, An Act to authorize Caroline Buterfield, Widow of David Buterfield, late of Siskiyou County, deceased, to convey certain Property therein stated ;

Also, concurred in Senate amendments to Assembly Bill, No. 202, An Act to amend an Act entitled An Act to restrict the herding of Sheep in certain pastures, in the Counties of Sonoma and Marin, and the several Acts amendatory thereof, approved April twenty-first, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-



eight, approved March sixteenth, eighteen hundred and fifty-nine, approved April twenty-eighth, eighteen hundred and sixty.

J. W. SCOBEEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 548, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Senate Bill, No. 408, above reported, with Assembly amendments thereto—was taken up and amendments concurred in.

Assembly Bill, No. 545, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 542, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 376, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 547, above reported—was read first and second times, and referred to the Finance Committee.

Assembly Concurrent Resolution, No. 24, above reported—was read and concurred in.

Mr. Burbank, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 295, An Act to create certain Road Districts in the City and County of San Francisco, and to provide for the repair and improvement of Roads therein—reported the same back verbally, with a recommendation that the bill do pass.

Report received, rules suspended, bill read a third time by title, and passed.

On motion of Mr. Thornton, Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty—was taken up, rules further suspended, bill read a third time by title, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 15th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 227, An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in their transmission;

Also, Senate Bill, No. 354, An Act granting to certain parties the right to lay a Railroad Track through certain Streets in the City of Sacramento.

JOHN G. DOWNEY,  
Governor.

#### REPORTS.

Mr. Leet made the following report:

Mr. PRESIDENT:—The committee to whom was referred Assembly Bill, No. 415—ask leave to report the same back, with certain amendments, and recommend its passage.

LEET.

Report received, rules suspended, bill considered in Committee of the Whole, and amended.

## IN SENATE.

Reported back and amendments concurred in, bill read a third time and passed.

Mr. Heacock made the following report :

Mr. PRESIDENT:—Your Committee on Enrolled Bills, have examined and found correctly enrolled, Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two ;

Also, Senate Bill, No. 246, An Act supplemental to An Act concerning Notaries Public, passed April thirtieth, eighteen hundred and fifty-seven and an Act amendatory thereof, approved March sixteenth, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 201, An Act to provide for the payment of the Claim of Gen. A. M. Winn ;

Also, Senate Bill, No. 59, An Act to audit and allow certain Claims ;

Also, Senate Bill, No. 170, An Act amendatory of an Act entitled An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of Delinquent Taxes thereon, approved March twentieth, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 270, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto ;

Also, Senate Bill, No. 349, An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court-House ;

Also, Senate Bill, No. 131 ;

Also, Senate Bill, No. 240 ;

Also, Senate Bill, No. 99 ;

Also, Senate Bill, No. 114 ;

Also, Senate Bill, No. 60—and have, this day, May sixteenth, eighteen hundred and sixty-one, delivered the same to his Excellency the Governor, for his approval, at half past one o'clock, P. M.

HEACOCK,

Chairman.

Report accepted.

Mr. Thornton made the following report :

Mr. PRESIDENT:—Your Committee of Free Conference on the disagreeing votes of Senate and Assembly in the concurrence to Assembly amendment on Senate Bill, No. 205, An Act amendatory of an Act supplemental to An Act passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—have had the same under consideration, and beg leave to make the following recommendation :

That the words “arrested, indicted, or put on trial, or,” occurring after the words “nor shall such Physician, or Surgeon, be,” be stricken out and that the last four lines after the words “her life,” shall read as follows :

“Nor shall such Physician, or Surgeon, be convicted by the testimony of such woman alone.”

• THORNTON,

Chairman of Senate Committee.

ALEX. CAMPBELL,

Chairman of House Committee.

Adopted.

Mr. Haynes made the following report :

Mr. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred the account of the Sergeant-at-Arms, for the sum of four hundred and eighty-four dollars, for arrests made during the present session, and also the resolution allowing to James Sweeny the sum of fifty dollars, for services as Porter of the Judiciary Committee, herewith report back the same, and recommend that the sum of two hundred and forty-two dollars be allowed on the Sergeant-at-Arms' account in full, for the service rendered as specified in said account, and further recommend that the resolution in favor of said James Sweeny do not pass.

J. P. HAYNES,

Adopted.

Chairman.

Mr. Phelps, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 540, An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco—report the same back, verbally, with a recommendation that the bill pass.

Report received, rules suspended, bill read a third time by title, and passed.

On motion of Mr. Parks, the rules were suspended, and Assembly Bill, No. 504, An Act concerning certain Trade-Marks—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, bill read a third time, and passed.

Mr. Phelps, from the San Francisco Delegation, to whom was referred Assembly Bill, No. 530, An Act to repeal an Act entitled An Act to confer further powers on the Board of Supervisors of San Francisco—reported the same back, verbally, with a recommendation that the bill pass.

Report received, rules suspended, bill read a third time by title, and passed.

On motion of Mr. Edgerton, the Union Resolutions were taken up from the unfinished business, and made the special order of the day for tomorrow, May seventeenth, at half past eleven o'clock, and every day thereafter until disposed of.

#### INTRODUCTION OF BILLS.

Mr. Heacock, by unanimous consent, introduced a bill for An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-ninth, eighteen hundred and sixty-one.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Sharp, by unanimous consent, introduced a bill for An Act granting the right of way over certain Lands of this State in the County of San Mateo.

Read first and second times, and referred to the San Francisco and San Mateo Delegations.

Mr. Phelps, by unanimous consent, introduced a bill for An Act to pro-

vide for the defense of the Title of the State to Property in front of the City of San Francisco, and within the Corporate limits thereof.

Read first and second times, rules further suspended, bill considered ~~ag-~~grossed, read a third time, and passed.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 120, An Act in addition to an Act entitled **An Act for the relief of Insolvent Debtors and protection of Creditors**, passed May fourth, eighteen hundred and fifty-two, and amendatory thereof—~~was~~ taken up, and indefinitely postponed.

Assembly Bill, No. 438, An Act to amend an Act entitled **An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State**, passed April twenty-ninth, eighteen hundred and fifty-one—~~was taken~~ up, and the question being upon the adoption of the report of the Judiciary Committee, heretofore made, to indefinitely postpone the bill, the same was put and lost.

So the Senate refused to postpone.

The bill was then considered in Committee of the Whole.

#### IN SENATE.

Bill reported back, without amendment, read a third time, and passed.

On motion of Mr. Clark, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Friday, May 17th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Dickinson, the claim of J. C. Potter was taken from the table, and referred to the Committee on Claims.

Mr. Logan, from the Special Committee to whom was referred Senate Bill, No. 379, An Act to divide the State into Congressional Election Districts—reported the same back verbally, without recommendation.

Report received, and bill placed on file.

Mr. Heacock, by leave, offered the following resolution:

*Resolved*, That his Excellency the Governor, be requested to return to the Senate, Senate Enrolled Bill, No. 114, without taking any action upon it, there having been an error in enrolling the same.

Adopted.

Mr. Phelps made the following report:

MR. PRESIDENT:—The Special Committee, to whom was referred Senate Bill, No. 409—have had the same under consideration, and report it

back with certain amendments, the adoption of which, they recommend, and when so amended they recommend the passage of the bill.

PHELPS,  
CHASE,  
CLARK,  
HEACOCK.

Report received, rules suspended, and bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Reported back; and amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 17th, 1861. }

Mr. PRESIDENT:—The House, on yesterday, concurred in Senate amendments to Assembly Bill, No. 432, An Act appropriating Money for the pay of John B. Brady, for services rendered as Assistant Engrossing Clerk of the Assembly, during the Eleventh Session of the Legislature;

Also, passed with amendments, Senate Bill, No. 396, An Act in relation to the Commission appointed on behalf of the State to run and mark the Eastern Boundary Line of the State of California;

Also, Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County, by the qualified voters of said County;

Also, passed Senate Bill, No. 402, An Act to provide for the payment of certain Indebtedness of Sierra County;

Also, Senate Bill, No. 391, An Act to authorize John Reed, Guardian of the Infant Heirs of Joseph Pardee, deceased, to sell certain Real Estate in Sacramento County;

Also, Assembly Bill, No. 554, An Act to repeal an Act entitled An Act to authorize the Incorporation of the City of San Bernardino, passed April thirteenth, eighteen hundred and fifty-four;

Also, this day, passed Assembly Bill, No. 555, An Act granting certain persons the right to construct and maintain a Railroad through certain Streets in the City of Oakland;

Also, has adopted Assembly Concurrent Resolution, No. 53, Concerning the Overland Mail and Telegraph Route;

Also, passed Senate Bill, No. 290, An Act to authorize property holders to open a Street in front of certain Lots in the City and County of San Francisco;

Also, Senate Bill, No. 382, An Act to authorize Abner Barker, Nathan C. Paddock, Samuel C. Bigelow, M. A. Brady, and their Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco;

Also, Assembly Bill, No. 549, An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co.;

Also, indefinitely postponed Senate Bill, No. 287, an Act to audit and allow the Claim of John P. Reiley;

Also, passed Assembly Bill, No. 553, An Act amendatory of, and supplementary to, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one;

Also, concurred in Senate amendments to Assembly Bill, No. 504, An Act concerning Trade-Marks;

Also, concurred in Senate amendments to Assembly Bill, No. 415, An Act to amend An Act to separate the Offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the Office of County Clerk, in the County of Placer.

Also, passed Senate Bill, No. 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for the use of the County—with amendments;

Also, passed, notwithstanding the objections of the Governor, Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco;

Also, passed Senate Bill, No. 410, An Act appropriating Money to pay the Claim of the Sacramento Gas Company;

Also, adopted the substitute made by the Senate to Assembly Concurrent Resolution, No. 6, Relative to Expunging Resolutions concerning the late Hon. D. C. Broderick;

Also, on yesterday, indefinitely postponed Senate Bill, No. 370, An Act to grant the San Francisco Market Street Railway Company the right to construct their Railway Track upon certain Streets within the City and County of San Francisco;

Also, on the sixteenth, passed Assembly Bill, No. 390, An Act concerning Jurors in the City and County of San Francisco;

Also, this day, passed Senate Bill, No. 186, An Act to procure a conveyance, by John Center, to the State, of certain Real and Personal Property, at and near the State Prison—with amendments.

J. W. SCOBAY,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 396, above reported—was taken up, and Assembly amendments made thereto, read and concurred in.

Senate Bill, No. 276, above reported—was taken up, and Assembly amendments made thereto, read and concurred in.

Assembly Bill, No. 554, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Bill, No. 555, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Assembly Concurrent Resolution, No. 53, above reported—was read and adopted.

Assembly Bill, No. 549, above reported—was read first and second times and referred to the Committee on Claims.

Assembly Bill, No. 553, above reported—was read first and second times and referred to the Senator from Amador.

Senate Bill, No. 301, above reported—was taken up, and Assembly amendments made thereto, read and concurred in.

Assembly Bill, No. 390, above reported—was read first and second times and referred to the San Francisco Delegation.

Senate Bill, No. 186, above reported—was taken up, and Assembly amendments made thereto, read and concurred in.

Mr. Shafter in the Chair.

#### SPECIAL ORDER.

The Union Resolutions being the special order of the day, for eleven and a half o'clock, A. M. and that hour having arrived, they were taken up

Mr. Chase offered a substitute for the whole subject matter.

Upon the adoption of which, Mr. Edgerton moved the previous question, which being seconded, the question was put, Shall the main question be now put? and carried.

The substitute was then read, and upon its adoption, the ayes and noes were demanded by Messrs. Edgerton, Watson, and Chase, and taken with the following result: Ayes, 24—noes, 5:

AYES—Messrs. Burbank, Chase, Clark, De Long, Denver, Dickinson, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Leet, Logan, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Warmcastle, Watkins, and Watt—24.

NOES—Messrs. Eagan, Franklin, Thornton, Watson, and Williamson—5.

Absent—Messrs. Crittenden, De la Guerra, Merritt, Sharp, and Thomas.  
Declined voting—Mr. Vance.

So the substitute was adopted.

The question then being on the passage of the substitute resolution, the same was put and carried.

So the resolution was adopted.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 17th, 1861. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. 196, An Act to amend an Act entitled An Act amendatory of an Act entitled An Act authorizing the Treasurer of State to issue Bonds for payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty seventh, eighteen hundred and sixty.

JOHN G. DOWNEY,  
Governor.

On motion of Mr. Phelps, Senate Bill, No. 400—was taken up, and made the special order for two o'clock, P. M.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 17th, 1861. }

*To the Honorable the Senate of California:*

I herewith return to your Honorable Body, Senate Bill, No. 60, An Act to provide for the pay of Troops, etc. for the reason that it is evidently not correctly enrolled. The title of the bill reads "the year eighteen and fifty-six;"

Also, Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas-Pipes in the City and County of San Francisco—as I am this morning informed by the Senator from the Enrolling Committee, who delivered me the bill, that it is not a copy of the enrolled bill;

Also, Senate Bill, No. 99, An Act to audit and allow a Claim of John

F. McCauley against the State—for the reason that it does not contain the enacting clause required by the Constitution.

JOHN G. DOWNEY,  
Governor.

On motion of Mr. Dickinson, the Enrolling Committee were instructed to see that Senate Bills, Nos. 60 and 99, returned by the Governor, were correctly enrolled, and that Senate Bill, No. 114, be returned to the Assembly, with the request that they have their amendments to the bill properly engrossed, so that the Enrolling Clerk of the Senate could enroll the same.

Mr. Haynes presented sundry newspaper accounts.

Referred to the Committee on Contingent Expenses.

Mr. Eagan, from the Committee on Education, to whom was referred Senate Bill, No. 92, An Act to provide for the disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School purposes, by Act of Congress, passed March third, eighteen hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General Fund—reported the same back, verbally, with a recommendation that the bill be indefinitely postponed.

Report received. and bill indefinitely postponed.

Mr. Warmcastle, by leave, introduced a bill for An Act to further define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

Read first and second times, rules suspended, bill considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Clark in the Chair.

Mr. Rhodes moved to reconsider the vote by which the Senate, on yesterday, passed Assembly Bill, No. 443.

Upon which motion, the ayes and noes were demanded, by Messrs. Vance, De Long, and Burbank, and taken with the following result: Ayes, 8—noes, 19:

AYES—Messrs. De Long, Dickinson, Eagan, Franklin, Thornton, Watkins, Watt, and Williamson—8.

NOES—Messrs. Burbank, Chase, Clark, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Leet, Logan, Parks, Phelps, Rhodes, Ryan, Shafter, Vance, Warmcastle, and Watson—19.

#### GENERAL FILE.

Senate Bill, No. 172, An Act for the better protection of the Mines—was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Bill reported back, amendments concurred in, bill ordered to be engrossed, and read a third time.

Assembly Bill, No. 440, An Act to amend an Act amendatory of, and supplementary to, An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State—was taken up, and indefinitely postponed.

Assembly Bill, No. 301, An Act exempting Lots in Cemeteries, and Pews in Churches, from levy and forced sale—was taken up, read a third time by title, and passed.



Assembly Bill, No. 469, An Act to amend the Thirty-First Section of An Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty—was taken up, and indefinitely postponed.

Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate—was taken up, read a third time by title, and passed.

Assembly Bill, No. 389, An Act respecting the Rights and Duties of Landlords and Tenants—was taken up, and indefinitely postponed.

Assembly Bill, No. 246, An Act to amend an Act supplementary to An Act concerning the Courts of Justice of this State, and Judicial Officers—was taken up, read a third time by title, and passed.

Assembly Bill, No. 104, An Act to amend Section Forty-Seven of An Act concerning Courts of Justice, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—was taken up, and indefinitely postponed.

Assembly Bill, No. 343, An Act to make certain Offices of Solano County Salaried Offices—was taken up, and indefinitely postponed.

Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five—was taken up, read a third time by title, and passed.

Assembly Bill, No. 268, An Act to authorize the formation of Corporations, to provide the members thereof with Homesteads, or Lots of Land, suitable for Homesteads—was taken up, and the question being upon the adoption of the recommendation of the Judiciary Committee to indefinitely postpone the bill, the same was put and lost.

The bill was then read a third time by title, and passed.

Senate Bill, No. 403, An Act to give effect to An Act to audit and allow the Claim of G. D. Bliss & Co.—was taken up, and indefinitely postponed.

Senate Bill, No. 48, An Act to amend an Act approved April thirtieth, eighteen hundred and sixty, entitled An Act to provide Revenue for the support of the Government of this State—was taken up, and indefinitely postponed.

Senate Bill, No. 28, An Act to provide for the registering of Electors in the several Counties of the State of California—was taken up, and indefinitely postponed.

Senate Bill, No. 226, An Act supplemental to an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—was taken up, and indefinitely postponed.

Senate Bill, No. 12, An Act supplementary to an Act entitled An Act to amend An Act to provide Revenue for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matters, approved April twenty-sixth, eighteen hundred and fifty-eight, approved April twenty-ninth, eighteen hundred and fifty-seven—was taken up, and indefinitely postponed.

Senate Bill, No. 374, An Act supplemental to an Act entitled An Act to prohibit Lotteries, Raffles, Gift-Enterprises, and other Schemes, of like character, approved April twenty-fourth, eighteen hundred and sixty-one—was taken up, and indefinitely postponed.

Senate Bill, No. 294, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—was taken up, and indefinitely postponed.

Senate Bill, No. 308, An Act entitled An Act to prevent Non-Residents of this State from selling Goods without a License—was taken up, and

the question being upon the adoption of the recommendation of the Finance Committee to indefinitely postpone the bill, the same was put and lost.

The rules were then suspended, the bill considered engrossed, read a third time by title, and passed.

The Forty-Fifth Rule was also suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Assembly Bill, No. 387, An Act to provide for recovering the possession of Lands by Summary Proceedings—was taken up, and indefinitely postponed.

Assembly Bill, No. 29, An Act supplementary to an Act entitled An Act for securing Liens to Mechanics and others—was taken up, and indefinitely postponed.

Assembly Bill, No. 69, An Act to repeal An Act supplemental to An Act approved April twenty-ninth, eighteen hundred and fifty-seven, to provide Revenue for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matters—was taken up, and indefinitely postponed.

Assembly Bill, No. 42, An Act for the payment of Expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley, in Utah Territory, to the State Armory, in Sacramento—was taken up, and indefinitely postponed.

Assembly Bill, No. 361, An Act to enable the City of Sonoma to compromise Controversies relative to the City Property, and to sell Lands—was taken up, and indefinitely postponed.

Senate Bill, No. 306, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—was taken up, and indefinitely postponed.

Assembly Bill, No. 460, An Act to provide for the election of Members of Congress for the State of California—was taken up, and indefinitely postponed.

Assembly Bill, No. 299, An Act supplementary and amendatory of several Acts entitled An Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, eighteen hundred and fifty-three, amended May first, eighteen hundred and fifty-four, amended April fifteenth, eighteen hundred and fifty-nine—was taken up, and indefinitely postponed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 17th, 1861. }

Mr. PRESIDENT :—The House has this day passed Senate Bill, No. 343, An Act to regulate the Fees of certain Officers in Calaveras County :

Also, Senate Bill, No. 393, An Act making an appropriation for Deficiencies made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one, with amendments.

I am directed by the Assembly to make the following communication to the Senate :

The Assembly respectfully informs the Senate, that the Assembly this morning passed a resolution requesting the Senate to return Senate Bill, No. 186; that the Clerk of the Assembly failed to perform his duty, and

the Assembly now requests the Senate to reconsider their concurrence in the Assembly amendments, and return the same to the Assembly.

R. K. WESTON,  
Assistant Clerk.

Senate Bill, No. 393, above reported—was taken up, and Assembly amendments made thereto, read and concurred in.

That portion of the message relative to Senate Bill, No. 186, was laid on the table.

#### SPECIAL ORDER.

The special order of the day, being Senate Bill, No. 400, An Act supplementary to an Act entitled An Act submitting to the qualified Electors of San Mateo County, at the next General Election, the question of the Removal of the County Seat of said County, approved May thirteenth, eighteen hundred and sixty-one—was taken up, rules suspended, bill considered engrossed, and read a third time.

The question then being upon the passage of the bill, the ayes and noes were demanded by Messrs. Phelps, Edgerton, and Ryan, and taken with the following result: Ayes, 16—noes, 6:

AYES—Messrs. Burbank, Clark, De Long, Dickinson, Franklin, Gallagher, Haynes, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Warmcastle, Watkins, and Williamson—16.

NOES—Messrs. Eagan, Edgerton, Irwin, Vance, Watson, and Watt—6.

So the bill passed.

Mr. Phelps moved to reconsider the vote by which the bill passed—which motion was put and lost.

Mr. Phelps then moved to further suspend the rules, that the Secretary might report the bill to the Assembly forthwith.

Upon which motion, the ayes and noes were demanded by Messrs. Ryan, Edgerton, and Watson, and taken with the following result: Ayes, 20—noes, 7:

AYES—Messrs. Burbank, Clark, De Long, Denver, Dickinson, Franklin, Harvey, Haynes, Heacock, Hill, Leet, Logan, Parks, Phelps, Rhodes, Shafter, Warmcastle, Watkins, Watt, and Williamson—20.

NOES—Messrs. Chase, Eagan, Edgerton, Gallagher, Irwin, Ryan, and Vance—7.

So the motion prevailed, and the Secretary was directed accordingly.

Mr. Hill, to whom was referred Senate Bill, No. 43, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named—reported the same back verbally, with a recommendation that the bill be indefinitely postponed.

Report received, and bill indefinitely postponed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 17th, 1861. }

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly have passed Senate Bill, No. 398, An Act to amend an Act entitled An Act appropriating Money for the payment of Copying of the Legislature during the Twelfth Session, approved April fifteenth, eighteen hundred and sixty-one;

Also, passed Senate Bill, No. 394, An Act amendatory of an Act titled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the County of Sacramento;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereto;

Also, Senate Bill, No. 53, An Act for the protection of Water Companies—with amendments.

J. W. SCOBEEY,  
Assistant Clerk

Senate Bill, No. 53, above reported, with Assembly amendments—taken up, and the amendments concurred in.

Mr. Phelps, by unanimous consent, introduced a bill for An Act to amend an Act entitled An Act to amend An Act concerning Notary Public, approved April thirteenth, eighteen hundred and fifty-seven, proved March sixteenth, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. De Long moved to adjourn.

Lost.

Mr. Heacock made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills, have carefully examined, and found correctly enrolled, Senate Bill, No. 99;

Also, Senate Bill, No. 406;

Also, Senate Bill, No. 408;

Also, Senate Bill, No. 373;

Also, Senate Bill, No. 365;

Also, Senate Bill, No. 146;

Also, Senate Bill, No. 60;

Also, Senate Bill, No. 404—and have this day, May seventeenth, eighteen hundred and sixty-one, at one and a half o'clock, P. M. delivered the same to his Excellency the Governor for his approval.

HEACOCK,  
Chairman

Report accepted.

Mr. Shafter made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills, report Senate Bill No. 90, as correctly enrolled.

SHAFTER,  
For Committee

Report accepted.

Mr. Edgerton offered the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Senate, in favor of Thomas M. Davis, for three dollars per day, during the present session of the Legislature;

Also, That the sum of two dollars per day is hereby allowed William H. Garvey, from the twentieth day of February, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Haynes offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that Hon. D. W. McComb, County Judge of Klamath County, have leave of absence from the State for three months, commencing the first day of December next.

Adopted.

Mr. Shafter made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly Bill, No. 508, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—having had the same under consideration, report the same back, and recommend its indefinite postponement.

SHAFTER,  
For Committee.

Report received, rules suspended, bill considered, and indefinitely postponed.

Mr. Haynes made the following report :

Mr. PRESIDENT:—The Committee on Contingent Expenses, to whom were referred sundry accounts for Newspapers, Gas, etc.—report that they have examined the same, and find due to the following named persons and papers the amounts attached to their respective names, and recommend the payment of the same out of the Contingent Fund of the Senate, viz :

James Anthony & Co. for Daily and Weekly Union, furnished Senators from April 29th to May 30th.....	\$65 25
James Dougherty for Daily and Weekly Alta, and Herald, from May 1st to May 20th .....	58 04
George I. Lytle, for Daily and Weekly Bulletin, Times, and Golden Era, from April 29th to May 20th.....	36 38
Street & Watson, for Shasta Herald .....	3 00
Red Bluff Beacon .....	8 00
Butte Record .....	15 00
Amador Dispatch.....	10 00
Central Californian .....	18 00
Daily Bee .....	9 50
Petaluma Journal .....	3 00
Pacific Methodist.....	21 00
W. F. Hicks & Co. for Marysville Daily Express, from March 10th to May 20th.....	75 00
<b>Total for Newspapers.....</b>	<b>\$322 17</b>
Sacramento Gas Co. for gas used in Committee Rooms from January 15th to May 11th.....	28 10
Phil. Cadue, for Ice, from April 15th to May 4th.....	20 95
M. Fitzpatrick, for repairing Window .....	3 00
Joseph Crackbon, for Water Jar and Faucet.....	8 00
C. Rave, for Locks, and setting same .....	5 00

Jacob Steinman, for sundry articles for use in the Senate Chamber, and drayage .....	\$11
W. F. Heustis, for amount paid for drayage of Books, etc .....	7
Total .....	\$117

All of which is submitted.

J. P. HAYNES,  
Chairman

Adopted.

Mr. Watson, by unanimous consent, introduced a bill for An Act to provide for the appointment of an Assayer of Ores and Metals, and to define his Duties, for and within the County of Mono.

Read first and second times, rules suspended, bill considered engrossed and read a third time.

Mr. Irwin moved to refer the bill to the Senator from Santa Cruz, with special instructions to strike out the name of "Louis Lanzweert," and insert the name of "H. Harris."

Lost.

The bill was then passed.

Mr. Irwin gave notice that he would, on to-morrow, move a reconsideration of the vote just had by which the bill passed.

Mr. Clark, from the Finance Committee, to whom was referred Assembly Bill, No. 547, An Act making Appropriations for the support of the Civil Government of this State—reported the same back, verbally, without recommendation.

Report received, and bill placed on file.

#### INTRODUCTION OF BILLS.

Mr. De Long, by unanimous consent, introduced a bill for An Act defining the Powers of the Board of Trustees of the State Reform School and the Managers of the Industrial School Department of San Francisco.

Read first and second times, rules suspended, bill considered engrossed and read a third time, and passed.

The Forty-Fifth Rule was also suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Irwin in the Chair.

Mr. Eagan, by unanimous consent, introduced a bill for An Act supplementary to an Act entitled An Act to provide Revenue for the support of the Government of this State, passed May fourteenth, A. D. eighteen hundred and sixty-one.

Read first and second times.

Mr. De Long moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded, by Messrs. Chase, De Long, and Leet, and taken with the following result: Ayes, 1—noes, 5:

AYES—Messrs. Chase, Clark, De Long, Denver, Edgerton, Franklin Harvey, Haynes, Hill, Leet, Logan, Parks, Phelps, Rhodes, Shafter, and Watkins—17.

NOES—Messrs. Eagan, Irwin, Thornton, Watson, and Williamson—5.  
So the bill was indefinitely postponed.

Mr. Shafter moved to reconsider the vote by which Assembly Bill, No.

89, An Act respecting the Rights and Duties of Landlords and Tenants, was indefinitely postponed.

Motion put and carried.

The bill was then read a third time and passed.

#### REPORTS.

Mr. Edgerton, from the Committee on Swamp and Overflowed Lands, to whom was referred Assembly Concurrent Resolution, No. 63, instructing the Surveyor-General to collate the Land Laws and the Revenue Acts, and for the printing of the same—reported the same back, verbally, without recommendation.

Report received, resolution read, amended, and adopted as amended.

Mr. Phelps, from the Committee on Agriculture, to whom was referred Assembly Bill, No. 328, An Act to amend an Act entitled An Act to provide for the better encouragement of the Culture of the Vine—reported the same back, verbally, with a recommendation that it be indefinitely postponed.

Report received, and bill indefinitely postponed.

On motion of Mr. Leet, the Senate Committees, both Standing and Special, were requested to report back to the Senate, on to-morrow, all bills, or other matter, that had been referred to them and still in their possession.

Mr. Phelps made the following report from the Committee on Public Expenditures:

MR. PRESIDENT:—We find the account of D. J. Williamson, Assistant Secretary of the Senate, for copying file, from January twenty-sixth to May sixth, eighteen hundred and sixty-one, to contain fourteen hundred and twenty-seven folios, at ten cents per folio, amounting to one hundred and forty-two dollars and seventy cents, payable out of the Copying Fund of the Senate.

PHELPS.

Report read and adopted.

On motion of Mr. Eagan, the Committee on State Prison and Public Buildings were instructed to report back to the Senate, on to-morrow, at half past eleven o'clock, A. M. Assembly Bill, No. 506, An Act to provide for the erection of a State Prison at Folsom.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 17th, 1861. }

MR. PRESIDENT:—The House, this day, passed Assembly Bill, No. 479, An Act for the relief of James C. Pennie;

Also, Senate Bill, No. 78, An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers, passed March twentieth, eighteen hundred and fifty-five;

Also, Senate Bill, No. 62, An Act to amend an Act entitled An Act to regulate Fees of Office, approved April tenth, eighteen hundred and fifty-five;

Also, Senate Bill, No. 388, An Act to authorize the sale of the Estate of the late Maria Smith, deceased;

Also, Senate Bill, No. 277, An Act relative to the issuance of Certificates to Exempt Firemen within this State;

Also, Senate Bill, No. 327, An Act to repeal such Laws, and parts of Laws, as declare the American Fork, or River, or any portion thereof navigable;

Also, Senate Bill, No. 210, An Act in relation to the Probate Court of the City and County of San Francisco.

J. W. SCOBEEY,  
Assistant Clerk

Assembly Bill, No. 479, above reported—was read first and second times, and made the special order of the day for to-morrow, May eighteenth, at a quarter before twelve o'clock, M.

#### GENERAL FILE, RESUMED.

Senate Bill, No. 282, An Act amendatory of an Act entitled An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty—was taken up, and indefinitely postponed.

Assembly Bill, No. 493, An Act to audit and allow the Claim of P. De Torre—was taken up, read a third time by title, and passed.

Senate Bill, No. 315, An Act supplementary to An Act defining the Rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty—was taken up, and indefinitely postponed.

Senate Bill, No. 383, An Act to pay Counsel for the prosecution of certain persons for the murder of A. A. King—was taken up, and indefinitely postponed.

On motion of Mr. Leet, the Senate adjourned.

RICHARD IRWIN,

President *pro tem.* of the Senate

Attest: C. W. TOZER, Secretary of the Senate.

#### IN SENATE.

SENATE CHAMBER,

Saturday, May 18th, 1861.

Senate met pursuant to adjournment.

The President of the Senate being absent by leave, and the President *pro tem.* not appearing, on motion the Senate proceeded to elect a President *pro tem.*

Whereupon, Mr. James McM. Shafter, Senator from San Francisco, was placed in nomination, and there being no further nominations, the Secretary proceeded to call the roll, with the following result:

Those who have voted for Mr. Shafter were: Messrs. Burbank, Clark, Denver, Dickinson, Egan, Edgerton, Franklin, Gallagher, Harney, Haynes, Heacock, Hill, Leet, Logan, Parks, Phelps, Rhodes, Vance, Watcastle, Watson, and Williamson—22.

Mr. Shafter, having received a majority of all the votes cast, and a quorum having voted, was by order of the Senate, declared by the Secretary duly elected President *pro tem.* of the Senate.

The President *pro tem.* elect then took the Chair and called the Senate to order.



Roll called.

Quorum present.

On motion of Mr. Clark, the reading and approving of the Journal of yesterday was postponed until next Monday, May twentieth.

On motion of Mr. Eagan, leave of absence was granted to the Assistant Sergeant-at-Arms for the remainder of the session.

Mr. Irwin, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill, No. 416, An Act to provide for the appointment of an Assayer of Ores and Metals for the County of Mono.

Motion put and lost.

On motion, the Forty-Fifth Rule was then suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Heacock offered the following resolution :

*Resolved*, That the Governor be requested to return to the Senate Senate Bill, No. 287, entitled An Act to audit and allow the Claim of John P. Reily, said bill having been indefinitely postponed by the Assembly.

Adopted.

#### REPORTS.

Mr. Heacock made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined and find correctly enrolled, Senate Bill, No. 389 ;

Also, Senate Bill, No. 393 ;

Also, Senate Bill, No. 245 ;

Also, Senate Bill, No. 36 ;

Also, Senate Bill, No. 398 ;

Also, Senate Bill, No. 186 ;

Also, Senate Bill, No. 287 ;

Also, Senate Bill, No. 402 ;

Also, Senate Bill, No. 410—and at half past four o'clock, P. M. May seventeenth, delivered the same to the Governor.

HEACOCK,  
Chairman.

Report accepted.

Mr. Gallagher made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 172, An Act for the better protection of the Mines—and find the same correctly engrossed.

GALLAGHER,  
For the Committee.

Report accepted.

Mr. Gallagher offered the following resolution.

*Resolved*, By the Senate, the Assembly concurring, that his Excellency the Governor be, and he is hereby, requested to open a correspondence with the managers of the great Exhibition of the Arts and Manufactures of all Nations, which is to be held in London in the year eighteen hundred and sixty-two, and in other ways to inform himself as to the propriety and advantages of having the State of California represented at that exhibition by a collection of ores, minerals, and agricultural products, and that he be requested to communicate the result of such correspondence to the next Legislature.

Adopted.

Mr. Watkins made the following report :

Mr. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Conley & Patrick, for printing done in eighteen hundred and sixty—report the same back, with accompanying bill, and recommend its passage ;

Also, Senate Bill, No. 380, An Act to pay J. C. Potter, former Under Sheriff of El Dorado County—and recommend the same be transmitted to the Board of Examiners ;

Also, Assembly Bill, No. 549, An Act authorizing the issuance of certain Bonds to Clark Dodge & Co.—report the same back, and recommend its passage ;

Also, Assembly Bill, No. 37, An Act for the relief of W. H. Brown—report the same back, without recommendation ;

Also, Assembly Bill, No. 465, An Act for the relief of J. M. Hart—report the same back, without recommendation.

WATKINS,  
Chairman.

The bill above reported, for the payment for printing—was read first and second times, and placed on file with the other bills above reported.

Mr. Dickinson made the following report :

Mr. PRESIDENT:—The Joint Select Committee, appointed to examine certain Warrants issued prior to January first, eighteen hundred and fifty-seven, and destroy such as had by agreement of parties been canceled, ask leave to report that they have this day destroyed, in the presence of the Secretary of State and State Treasurer, the annexed list, marked A. The list marked B, which was canceled in eighteen hundred and fifty-eight, was withdrawn from the Secretary of State's office in March, eighteen hundred and fifty-nine, and receipted for by W. S. Sharp, to be presented in court in case of Sanders v. Bowie.

W. B. DICKINSON,  
For Senate Committee.

A. FLANDERS,  
For Assembly Committee.

[ A ]

Date.	No.	To whom Issued.	Amount.
Sept. 22, 1856..	426	James Anthony & Co.....	\$245 25
Dec. 12, 1856 ..	1098	H. C. Patrick, by Vaughn, Attorney.....	125 00
Dec. 4, 1855 ...	601	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1855 ...	600	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1855 ...	606	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1855 ...	605	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ...	607	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ...	608	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ...	610	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ...	609	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ....	603	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ....	588	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ....	611	James Smiley, J. S. Cohen, Attorney ...	5,000 00
Dec. 4, 1858 ....	612	James Smiley, J. S. Cohen, Attorney ...	5,000 00

Date.	No.	To whom Issued.	Amount.
Dec. 4, 1858 ....	590	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	589	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	591	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	592	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	602	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	598	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	595	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	598	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	604	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	597	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	596	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	594	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 4, 1858 ....	593	James Smiley, J. S. Cohen, Attorney ....	5,000 00
Dec. 28, 1855 ..	714	G. W. Ryckman.....	4,743 36
Dec. 28, 1855 ..	713	G. W. Ryckman.....	5,000 00
Total amount.....			\$135,271 45

## [ B ]

682	Hamilton Bowie .....	\$640 00
684	Hamilton Bowie .....	150 00
687	Hamilton Bowie .....	150 00
688	Hamilton Bowie .....	589 59
689	Hamilton Bowie .....	500 00
698	Hamilton Bowie .....	658 57
709	Hamilton Bowie .....	500 00
710	Hamilton Bowie .....	265 51
757	Hamilton Bowie .....	755 20
683	Hamilton Bowie .....	174 70
685	Hamilton Bowie .....	150 00
Total .....		\$4,533 57

Report received and committee discharged.

Mr. Parks made the following report :

Mr. PRESIDENT :—Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 26, An Act to provide for the Segregation and Selection of the Swamp and Overflowed Lands—have examined the same, and beg leave to report it back, and recommend that it be indefinitely postponed ;

Also, Assembly Bill, No. 175, An Act to provide for the Survey and Segregation of the Swamp and Overflowed Lands—and recommend that it be indefinitely postponed ;

Also, Senate Bill, No. 202, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three—and recommend that it do not pass ;

Also, Senate Bill, No. 33, An Act for the Relief of James Spect—~~and~~  
recommend that it do not pass ;

Also, Assembly Bill, No. 413, An Act amendatory of An Act to provide  
for the sale and reclamation of the Swamp and Overflowed Lands—~~and~~  
recommend that it do not pass.

W. H. PARKS,  
For Committee.

Report received, and all the bills above reported, considered one by  
one, and indefinitely postponed, as recommended.

Mr. Hill made the following report :

Mr. PRESIDENT:—The State Prison Committee, to whom was referred  
Assembly Bill, No. 506, An Act to provide for the erection of a State  
Prison, at, or near, Folsom—have had the same under consideration, and  
report the bill back with the accompanying substitute, and recommend  
the passage of the substitute—and also recommend the adoption of the  
accompanying Concurrent Resolution.

HILL,  
Chairman.

Report received, and bill, with substitute, also the resolution, made  
the special order of the day for this day at two o'clock, P. M.

Mr. Warmcastle made the following report :

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly  
Bill, No. 466—have had the same under consideration, and report against  
the passage of the bill.

WARMCASTLE,  
Of Delegation.

Report received, and the bill indefinitely postponed.

Mr. Vance made the following majority report from the Special Com-  
mittee on Copying :

Mr. PRESIDENT:—Your committee, appointed to investigate and ascer-  
tain the amount of copying done for the Senate, under resolution of the  
Senate, passed the fourteenth instant, beg leave to make the following  
report :

Your committee find, after a thorough investigation, as follows :

[ A ]

Amount paid for copying, by resolution of the Senate.....	\$8,407 11
Amount of copying.....	5,494 10
Showing a deficit of.....	\$2,913 01

From the evidence that has been before your committee, we are satis-  
fied that, neither the Committee on Public Expenditures, or the Secretary  
of the Senate, were cognizant of the fact that a greater amount had been  
allowed for copying than was actually due ; and whatever wrong may  
have been done, has been caused by unintentional neglect on their part.

From the evidence, we arrive to the conclusion that S. Wittgenstein has  
received more for his services than he was entitled to. We are also

informed, that third parties hold certificates, or drafts, for a portion of the above amount; and we are of the opinion that the State has no honorable way of avoiding the payment of said claims, and would recommend the following resolution :

*Resolved*, That the Controller of State be, and is hereby, directed to withhold his warrant for any part of the said amount, which is not in the hands of third parties at the time.

All of which is respectfully submitted.

J. M. VANCE,  
Chairman.  
JAMES T. RYAN,  
H. P. WATKINS,  
C. V. WILLIAMSON.

For the purpose of giving the Senate the statistics upon which we formed the inclosed minutes of copying, together the testimony taken before our committee, are herewith submitted, for the consideration of the Senate.

J. M. VANCE,  
Chairman.

Mr. Shafter, from the same committee, made the following report :

Mr. PRESIDENT:—The undersigned, members of the committee to whom was referred the subject of the copying account of the Senate, and accompanying documents, have had the matters submitted, under consideration, and make this report :

There has been allowed to the Secretary of the Senate the following amount :

[ B ]

For copying .....	\$8,407 11
Of this sum there has been paid .....	5,000 00
Leaving unpaid, and which is now outstanding, in the form of orders, drawn by the Secretary of the Senate upon the Controller, in favor of sundry persons.....	\$3,407 11

The committee find that the above sum of five thousand dollars was paid to, or upon, the order of said Secretary ; and that the above sum of three thousand four hundred and seven dollars and eleven cents was drawn for, by him, under the following circumstances : Early in the session of the Legislature, upon the recommendation of various members of the Senate, the Secretary appointed Samuel Wittgenstein to the place of Copying Clerk of the Senate, under an agreement with said Wittgenstein to do, or cause to be done, all the copying required by the law, or order of the Senate, to be done ; to receive the pay therefor, and to account to such Secretary as a reservation to himself of three cents per folio.

It is further found that said Wittgenstein presented his account for copying to — Kendal, Clerk to the Senate Committee upon Public Expenditures, who rendered a blank report thereon to some one of said committee, by whom it was reported to the Senate. This account, thus rendered, was the basis of settlement between the Secretary and said Wittgenstein, and there is no evidence that said Secretary had any other

knowledge, or complicity, with the affair of the public copying. As to the extent of supervision exercised by the Committee upon Public Expenditures over this subject, as the several members thereof have, each for himself, in open Senate, declared the same, no statement is here deemed necessary.

The committee endeavored, in every way which suggested itself, to obtain all the information possible as to the amount of copying actually done, and meeting with a claim for what is called constructive copying, have endeavored to ascertain the extent of that claim, as involved in the copying account of this session.

As ascertained, by the testimony given before the committee, and from information furnished by the officers, and journals of the Senate, the Expert appointed by the committee has compiled the following tabular statement of copying, for which payment has been allowed, as above stated, which original statement is annexed, and marked A.

The undersigned beg to present this statement in a little different arrangement, viz :—

Bills, Resolutions, and Reports of Committees, copied for the Printer, folios.....	4,665
Same, copied for Appendix, folios.....	4,665
Same, copied in Appendix, for Printer, folios.....	4,665
Writing copy in Appendix, folios.....	4,665
Copying Reports in Spanish, for Printer, folios.....	1,918
Copying for Journals, folios.....	5,278
Copying for Journals, for Printer, folios.....	5,278
Copying for Appendix, folios.....	5,295
Copying in Appendix, folios.....	5,295
Amount in folios.....	41,757
Which, computed at ten cents, amounts to.....	\$4,175 70
Copying in Journals five thousand two hundred folios, at fifteen cents per folio, amounts to.....	791 70
	\$4,967 40

In hearing the above statement, the Senate ought to be satisfied that a fair attempt has been made by the committee to obtain all the information accessible. Upon this point, it is enough to say, the law declares that this copying "shall be performed under the supervision and direction of the Secretary of the Senate," and that when so performed, "it shall be audited and certified to by the Committee on Public Expenditures and Accounts." It is believed that, from both the above indicated sources of information, all the facts were obtained of which they were in possession. The committee examined the manager and overseer of the State Printer, and the only Copying Clerk remaining in Sacramento. The principal copying clerk, Wittgenstein, could not be found by the Sergeant-at-Arms, who sought for him, with a subpoena, he having left Sacramento, as the committee believes, from statements made to one of their number, by him, for the purpose of evading such examination.

No trace of a claim for any other copying than the foregoing, could be ascertained, or was alleged to exist.

The undersigned propose to state and expose, the pretensions and erroneous character of this claim.

The first item of the account is for four thousand six hundred and sixty-five and three-fourth folios of bills, copied for the Printer. This copying, if done, is, doubtless, correct. This charge is, however, repeated "for the Appendix" copy of the Appendix for Printer, "and writing copy in Appendix." These three repetitions are without any foundation, whatever, the bills, etc. offered in, and acted upon, by the Senate, forming no part of the Appendix. Here, then, are thirteen thousand nine hundred and ninety-seven and one-fourth folios, the charge for which, has no foundation, either in law, fact, or "construction."

Next in order, is a charge for copying one thousand nine hundred and forty-eight folios of Spanish documents.

It will be recollected that Mr. Liés is the State Translator, residing in San Francisco. Can it be believed that this gentleman, with an earnest desire to furnish the translations of public documents to the public at the earliest possible moment, and in the face of the fact that, even to copy a document in Spanish, requires, at least, a respectable knowledge of the language, and in the face of the further fact that these documents were all in print, in English, should wait for, first, a written copy of the English printed document, and then, after translation, the Printer should further wait until Wittgenstein should copy Mr. Liés' translation for him.

The present State Librarian has fixed this matter in his testimony.

The English document was never copied at all for Mr. Liés, he translating from print, and furnishing his translation directly to the Printer, and himself correcting proof.

This whole charge of one thousand five hundred and forty-eight folios is without foundation.

The charge next in order is, copying Journals. A question arises as to the actual number of folios in the Journals. The Expert, counting detached lines upon different pages, and averaging them, arrives at the result of five and twenty-two hundredths folios. Mr. Leet, of the former committee and the undersigned, by counting entire pages, and averaging them, arrive at a greatly diminished result.

The Journal alluded to, is the final record of the daily proceedings of the Senate, and, it is confidently believed, that three and one-half to four folios is a liberal allowance per page.

But, allowing the quantity to be correct, the claim is still indefensible. The course of practice as to keeping the Journal is proper; the charge alone is objected to. That practice is as follows: The entire translations are jotted down as business proceeds. This initiatory record is just what the necessary haste makes it, mere headings, and half expressed statements of what is done, and by whom. This "penciling by the way," after the close of the day, is put into proper form, in a paper book, and is read as "the Journal" in the Senate, and is signed by the President.

This original paper is first charged as "copying for Journals." To this it is answered, it is a copy of nothing, it is the original Journal, to make and keep which, is the direct duty of a Clerk, who is paid by the day. This same paper is, then, actually copied into the Journal book. This is charged as "copying in the Journals." It is specifically mentioned in the statute; a larger compensation is allowed for this copying than any other, for the reason, undoubtedly, that as it is the final record of this body, extra pains should be taken in making it.

The next charge is, "copying the Journals for the Printer."

It might well be asked, why the copy, which is claimed to have been

"made for the Journal," and the text of which is literally reproduced in the Journal, might not be carried to the Printer, instead of making a new copy of a copy of what purports to be a copy of an original. And it may be further asked why the Journal read in the Senate might not be itself carried into a room below, there copied into the Journal book, and then carried to the State Printer. This only sensible and business like way, is shown by the proof to be the one actually adopted. The Journal so read in the Senate, subserving, in fact, all the desired purposes, the copies charged at ten thousand five hundred and fifty-six folios having no existence whatever.

The final item of five thousand two hundred and ninety-five folios for "copying Appendix," procured the result ascertained by Mr. Leet, of the former committee. The undersigned do not consider the amount of the Appendix as ascertainable with entire accuracy. The doubts expressed by that Senator, were entertained, to some extent, by the Expert. The undersigned are, therefore, disposed to let this item stand.

This item is, however, repeated as "copying Appendix." This, in part, is manifestly incorrect. All documents ordered printed by either House, in book, or pamphlet, form, are required to be so printed in excess of five hundred copies, for the very purpose of being bound into such Appendix. In the above account, one thousand nine hundred and forty-eight folios having been once copied and printed, no new copy is wanted, or could be used, if furnished. Deducting this amount, leaves only three thousand three hundred and forty-seven folios which it appears necessary to copy. It is believed, however, that this greatly overstates the fact.

The reports of Superintendent of Schools, and other public institutions, are published in printed book form, and are so furnished to the State.

The undersigned, therefore, are disposed (letting the estimate of the Expert stand as to quantity of copy), to state the account, as follows :

Copy of Bills, etc., for Printer, ordered by the Senate, folios..	4,665½
Copying Appendix for Printer, folios.....	3,347
Amounting to, folios.....	8,012½
Copying into Appendix, folios .....	5,295
Copying into Journals, folios,.....	5,278
Amounting to, folios .....	10,573
The amount of the first, at ten cents per folio, is.....	\$801 23
The amount of the second, at fifteen cents per folio, is.....	1,585 95
Total.....	\$2,487 23
Showing, as a result, an overdraft and payment of.....	5,919 88

As the former report, made by Senator Leet, has been referred to us, we have to state, that the substantial difference between his statement of details and ours, is to be attributed to his adding twenty-five per cent. to his estimates, or counts, and to our rejection of all constructive copying. The estimate above given, being that of the Expert, is about Mr. Leet's, after adding the twenty-five per cent.



There remains the question whether, as matter of law, there is any right to claim for a service which has never been performed. Article two thousand nine hundred and forty-nine, of Wood's Digest, requires the Secretary of the Senate to furnish the State Printer, every day, during the session, a copy of the day's proceedings. This statute no where requires that a copy shall be made for the specific use of the Printer, it is enough if he has a copy, no matter what service it may have rendered before it came to his use, or what purpose it may subserve after he has put it in type. The same is true of any other document.

The statute prescribes that, "for all copying for the Printer," a fee shall be paid. It is not the fact that the Printer obtains the information necessary to enable him to reproduce a document in print, that entitles an office to pay. It is a certain specified act, viz: the reproduction, on one piece of paper, of written, or printed, characters on another, which satisfies the term, copying, in the statute, or, in ordinary business. It might be as well claimed, that if an office, having a public record in charge, should produce the record in court, as evidence, he would be entitled to charge for a certified copy of such record, upon the ground he had made a copy, by simply enabling a court to look at the original record.

It is said that the pretension herein attempted to be exposed, has the sanction of precedent from the foundation of the State, and that the absent Wittgenstein has brought to his aid, this year, skill acquired in former relations to the Legislature. If this be true, we are bound to be, at least, ignorant that it was with the knowledge of those in power. The Journals of last session, at least, state, that all these accounts were "examined, audited, and allowed," and with one or two partial exceptions, only, they show that the Secretary of this body rendered his accounts, with a specification, of the folios alleged to have been copied.

The undersigned are unable to find, from the proof, that the Secretary of the Senate has, in any manner, been guilty of complicity with the subordinates who have perpetrated the outrage complained of. But we cannot forbear saying that, by the statute, it was his duty to have supervised this copying, and that this duty was made more imperative from the fact that the peculating party was his own appointee, for whose integrity his own was, to some extent, pledged.

We are further obliged to say that, under the circumstances, we cannot recommend any steps which shall relieve the Secretary from personal liability. It is found that three thousand four hundred and seven dollars and eleven cents of the copying account is outstanding, as before stated. We do not consider that the State is either legally, or equitably, bound to pay such drafts. We are further satisfied that Samuel Wittgenstein is guilty of the crime of procuring money of the State by false tokens, and under false pretenses, and we recommend that the District Attorney of this city and county be requested to institute a criminal prosecution against him, and, also, to take such steps to recover the money thus received wrongfully of the State, by a civil action, if, in his discretion, he shall think such action maintainable. We are further satisfied that the Clerk of the Committee upon Public Expenditures, C. W. Kendal, if not guilty of full participation with said Wittgenstein, has been greatly imposed upon by him, and that he has failed in performing the duties intrusted to him; and that said Wittgenstein be at once discharged from the public service.

Disagreeable as is the task, duty requires one thing further. It was, in our judgment, the undoubted duty of the Committee upon Public Expenditures to have personally examined these accounts, to have "audited,"

in short, to have given them that thorough examination, which would have been given in a trial at law. But it must be borne in mind that, upon question made, following the lead of a Senator himself, last year, a member of this committee, and in the face of statements made by different members of the committee, that, from being otherwise occupied, they could not, or, from other reasons, they would not, perform this particular duty, and against the opposition of other members, who stated, prophetically, the precise difficulties to the Senate itself, upon the ground that this was "a clerical duty," in the face of a phrase peculiar to a judicial function, appointed this Clerk, who, to say the least, has done not a single duty of the place properly.

The undersigned recommend the passage of the accompanying resolutions.

J. McM. SHAFER.

I concur in the above report, with the exception of the recommendation as to withholding payment for the outstanding claim of three thousand four hundred and seven dollars and eleven cents.

O. HARVEY.

Description of Work.	No of Folios.	Amount.
Copy for Printer.....	4,665	
Copy for Appendix.....	4,665	
Copy of Appendix.....	4,665	
Writing copy in Appendix.....	4,665	\$1,866 30
Copying, in Spanish, the Surveyor-General's Report, .....	615	
Copying Governor's Message .....	320	
Copying Controller's Report.....	365	
Copying Surveyor-General's Report.....	648	
	1,948	194 80
Copying for Journals.....	5,278	
Copy for Printer .....	5,278	
Copying in Journals.....	5,278	
	15,834	2,375 10
Copying Appendix.....	3,530	
Copy for Appendix.....	3,530	
	7,060	1,058 00
Total amount.....		\$5,494 10

On motion, the reports and resolutions were made the special order for two and a half o'clock, to-day.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 18th, 1861. }

Mr. PRESIDENT:—The Assembly have this day passed Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies, and the management of the Officers thereof, and other matters relating thereto—with amendments;

Also, on yesterday, passed Senate Bill, No. 409, an act entitled An Act to release M. Fennell from the Contract for Building the State Capitol;

Also, Senate Bill, No. 413, An Act to provide for the defense of the title of the State to Property in front of the City of San Francisco, and within the corporate limits thereof;

Also, this day, passed Senate Bill, No. 385, An Act to appropriate Money for the purchase of Property for the use of the State Insane Asylum—with amendments;

Also, on yesterday, concurred in Senate Resolution, No. 78, Relative to the State of the Union;

Also, passed, with amendments, Senate Bill, No. 279, An Act to regulate appeals in this State;

Also, with amendments, Senate Bill, No. 415, An Act defining the powers of the Board of Trustees of the State Reform School, and the Managers of the Industrial School Department of San Francisco;

Also, Senate Bill, No. 412, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento;

Also, this day, passed Assembly Bill, No. 514, An Act fixing the times of holding the terms of the County Courts and Courts of Sessions, in and for the County of Stanislaus;

Also, concurred in Senate amendments to Assembly Concurrent Resolution, No. 63, Instructing the Surveyor-General to collate the Land laws and Revenue Act, and the Printing of the same;

Also, concurred in Senate Concurrent Resolution, No. 62, Granting leave of absence to D. W. McComb, County Judge of Klamath County;

Also, passed Senate Bill, No. 398, An Act to amend an Act entitled An Act to amend an Act entitled An Act concerning Notaries Public, approved April thirteenth, eighteen hundred and fifty-seven;

Also, indefinitely postponed Senate Bill, No. 308, An Act to prevent non-residents of this State from selling Goods without a License;

Also, passed Assembly Bill, No. 550, An Act to authorize the taking of Depositions in Foreign Countries;

Also, Assembly Bill, No. 510, An Act supplementary to An Act passed May eleventh, eighteen hundred and fifty-three, entitled An Act in relation to Personal Mortgages in certain cases, and the several Acts amendatory thereof, and supplementary thereto;

Also, Assembly Bill, No. 519, An Act concerning the Infant Heirs of William M. Stockton, deceased.

Also, Assembly Bill, No. 525, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay Robert E. Kerri-son, Assignee of Richard Parr;

Also, adopted Assembly Concurrent Resolution, No. 64, Relative to Printing Land Laws of this State—and ask the concurrence of the Senate.

J. W. SCOBAY,

Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 514, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

Senate Bill, No. 80, above reported—was taken up, and Assembly amendments concurred in.

Senate Bill, No. 385, above reported—was taken up, and Assembly amendments read, when the Senate refused to concur.

Senate Bill, No. 415, above reported—was taken up, and Assembly amendments concurred in.

Assembly Bill, No. 519, above reported—was taken up, read first and second times, rules suspended, bill read a third time, and passed.

Assembly Bill, No. 525, above reported—was taken up, read first and second times, and placed on file.

Assembly Concurrent Resolution, No. 64, above reported—was read and adopted.

Assembly Bill, No. 510, above reported—was taken up, read first and second times, and placed on file.

Assembly Bill, No. 550, above reported—was taken up, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill, No. 279, above reported—was taken up, and amendments concurred in.

## SPECIAL ORDER.

Assembly Bill, No. 479, An Act for the Relief of James C. Pennie—being the special order, was taken up.

Mr. Clark moved to strike out the sum of "two thousand, five hundred dollars," and insert "one thousand dollars."

Lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Clark, Vance, and Parks, and taken with the following result: Ayes, 20—noes, 6:

AYES—Messrs. Burbank, De Long, Denver, Dickinson, Eagan, Edger-ton, Gallagher, Harvey, Hill, Irwin, Parks, Phelps, Rhodes, Shafter, Thornton, Vance, Watkins, Watson, Watt, and Williamson—20.

NOES—Messrs. Clark, Franklin, Haynes, Leet, Logan, and Rhodes—6.

So the bill passed.

Mr. De Long moved to reconsider the vote by which Mr. Shafter was elected President *pro tem.* of the Senate.

Mr. Clark moved as a substitute for the motion of Mr. De Long, to direct Mr Irwin to sign all bills passed this session, except those signed by the President of the Senate.

Mr. Denver moved as a substitute for the whole subject matter, that Mr. Irwin be declared the President *pro tem.* and Mr. Shafter, Special President *pro tem.*

Mr. Phelps offered the following resolution as a substitute for the whole subject matter:

WHEREAS, At the time for the opening of the Senate, on the eighteenth day of May, eighteen hundred and sixty-one, neither the President of the Senate, or the President *pro tem.* of the Senate being present, J. McM. Shafter was duly elected President *pro tem.* of the Senate; therefore, be it—

*Resolved*, That either Mr. Shafter, or Mr. Irwin, be, and they are,

hereby, fully authorized to sign all bills, and to perform all other functions of President *pro tem.* of the Senate.

Adopted unanimously.

#### MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 18th, 1861. }

Mr. PRESIDENT:—The Assembly have passed Senate Bill, No. 401, An Act concerning an Act entitled An Act to change the venue in the case of Horace Smith, which became a law March twenty-first, eighteen hundred and sixty-one—with an amendment, by striking out all after the enacting clause and inserting the accompanying amendment, and amended the title;

Also, passed Senate Bill, No. 405, An Act conferring additional powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Senate Bill, No. 414, An Act to further define the Senatorial and Assembly Districts of this State, and to apportion the Representation thereof;

Also, Assembly Bill, No. 321, An Act for the Observance of the Sabbath;

Also, Senate Bill, No. 360, An Act amendatory of the Act to regulate proceedings in Civil Cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, late State Controller;

Also, Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty—with an amendment;

Also, Senate Bill, No. 364;

Also, passed certain proposed Amendments of the Senate, to the Constitution, together with Assembly amendments to article five, and article six, of the proposed amendments, which are herewith presented;

Also, return to the Senate, Senate Bill, No. 114, An Act allowing R. C. Page and W. A. Piper, and their Associates, to lay down Gas-Pipes in the City and County of San Francisco—as per request of the Senate;

Also, I am instructed to inform the Senate that the Assembly have agreed when they adjourn, that they will meet at half-past seven o'clock, this evening;

Also, have passed Senate substitute for Assembly Bill, No 187, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty.

J. M. ANDERSON,  
Clerk of Assembly.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 401, above reported—was taken up, and the Senate refused to concur in Assembly amendments thereto.

Senate Bill, No. 407, above reported—was taken up, and Assembly amendments thereto, concurred in.

The proposed amendments to article five of the Constitution—were then taken up, and Assembly amendments thereto, read and concurred in.

Assembly amendments to article six of the proposed amendments to the Constitution—were then taken up and concurred in, except the amendment in relation to naturalization, and the amendment prohibiting the Legislature from granting leave of absence to Judicial Officers, which two amendments the Senate refused to concur in.

Assembly Bill, No. 321, above reported—was read first and second times.

Mr. De Long moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded by Messrs. Vance, Harvey, and Leet, and taken with the following result: Ayes, 9—noes, 14:

AYES—Messrs. De Long, Eagan, Haynes, Irwin, Logan, Parks, Ryan, Watson, and Williamson—9.

NOES—Messrs. Burbank, Denver, Dickinson, Franklin, Gallagher, Harvey, Heacock, Hill, Leet, Rhodes, Shafter, Vance, Warmcastle, and Watt—14.

So the Senate refused to indefinitely postpone the bill.

Mr. De Long then moved to make the bill the special order for Monday, May twentieth, at eleven and a half o'clock, A. M.

Upon which motion, the ayes and noes were demanded by Messrs. Burbank, Gallagher, and Leet, and taken with the following result: Ayes, 12—noes, 14:

AYES—Messrs. Chase, Clark, De Long, Eagan, Haynes, Irwin, Logan, Parks, Ryan, Watkins, Watson, and Williamson—12.

NOES—Messrs. Burbank, Denver, Dickinson, Franklin, Gallagher, Harvey, Heacock, Hill, Leet, Rhodes, Shafter, Vance, Warmcastle, and Watt—14.

So the Senate refused to make the bill the special order for Monday next.

Mr. De Long then moved to refer the bill to a Select Committee of three, with special instructions.

Lost.

The question recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Burbank, Vance, and De Long, and taken with the following result: Ayes, 16—noes, 10:

AYES—Messrs. Burbank, Chase, De Long, Denver, Dickinson, Franklin, Gallagher, Harvey, Heacock, Hill, Leet, Rhodes, Shafter, Vance, Warmcastle, and Watt—16.

NOES—Messrs. Clark, Eagan, Haynes, Irwin, Parks, Ryan, Thornton, Watkins, Watson, and Williamson—10.

So the bill passed.

Mr. De Long gave notice that he would, on Monday, move to reconsider the vote by which the bill passed.

The Chair directed the Secretary to take the notice.

Mr. Shafter appealed from the decision of the Chair, in ordering the notice to be taken, on the ground that Mr. De Long was not in his seat when he arose to make the motion.

The question then being, Shall the decision of the Chair stand as the judgment of the Senate? the same was put and lost.

So the Chair was not sustained.

Immediately after the Chair announced the vote of the Senate on the appeal, several Senators arose and addressed the Chair at the same instant.

The Chair recognized Mr. Ryan, who gave way to Mr. De Long.

Mr. Shafter again appealed from the decision of the Chair, in giving the floor to Mr. Ryan, on the ground that when the Chair before recognized Mr. De Long, upon which the appeal was taken, Mr. Vance was the disputant for the floor; and that by the ruling of the Senate on the appeal, in declaring that Mr. De Long was not entitled to the floor, they had, in effect, decided that Mr. Vance was entitled to the floor; therefore, Mr. Ryan was not entitled to the floor, but Mr. Vance was.

The question then being, Shall the decision of the Chair in awarding the floor to Mr. Ryan, stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. De Long, Vance, and Ryan, and taken with the following result: Ayes, 13—noes, 9:

**AYES**—Messrs. Chase, Clark, De Long, Eagan, Haynes, Logan, Parks, Ryan, Thornton, Watkins, Watson, Watt, and Williamson—13.

**NOES**—Messrs. Burbank, Denver, Frankiin, Harvey, Hill, Leet, Rhodes, Shafter, and Vance—9.

So the Chair was sustained.

Mr. Ryan again arose and was recognized by the Chair, and then gave way to Mr. De Long, who again gave his notice of reconsideration.

Mr. Parks, to whom was referred Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences—reported the same back verbally, with a recommendation that the bill pass.

Report received, rules suspended, bill read a third time by title and passed.

Mr. Clark, by unanimous consent, introduced a bill for An Act concerning certain Officers in the City and County of Sacramento.

Read first and second times, rules further suspended, bill considered engrossed, read a third time and passed.

The Forty-Fifth Rule was also suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Assembly Bill, No 547, An Act making Appropriations for the Support of the Civil Government of this State—was taken up and considered in Committee of the Whole, and amended.

#### IN SENATE.

Mr. Logan moved to amend, by adding the following to section one:

“In addition to the sum of money heretofore appropriated in payment of services to be rendered by the Commissioners and Clerk of the California War Debt, as provided by an act entitled An Act relating to the California War Debt, approved May sixth, eighteen hundred and sixty-one, the sum of six thousand dollars is hereby appropriated out of any money or bonds which may be received from the General Government on account of moneys due from the United States to the State of California, and which may be received by the State on the settlement to be made by said Commissioners, the same to be paid by the Treasurer of State upon the requisition of said Commissioners so soon as they shall have effected a settlement with the General Government for the moneys appropriated by Act of Congress, and the amount found due to the State shall have been paid by the United States.”

Upon which the ayes and noes were demanded by Messrs. Burbank,

Watt, and Parks, and taken with the following result: **Ayes, 12—noes, 9:**

**AYES**—Messrs. Clark, De Lõng, Haynes, Hill, Irwin, Lect, Logan, Ryan, Vance, Watkins, Watson, and Williamson—12.

**NOES**—Messrs. Burbank, Dickinson, Franklin, Harvey, Parks, Rhodes, Shafter, Thornton, and Warmcastle—9.

So the amendment was adopted.

The amendments made in Committee of the Whole were then concurred in.

Mr. Denver then moved to strike out six hundred dollars for pay of Porter for the Governor's office, and insert three hundred dollars.

Agreed to.

The bill was then read a third time, and passed as amended.

Mr. Eagan, by leave, introduced a bill for An Act relative to Notaries Public.

Read first and second times, rules further suspended, bill considered engrossed, read a third time and passed.

The Forty-Fifth Rule was also suspended, and the Secretary directed to report the bill to the Assembly forthwith.

Mr. Heacock made the following report:

Mr. PRESIDENT:—Your Enrolling Committee have this day examined and find correctly enrolled:

Senate Bill, No. 94;  
Also, Senate Bill, No. 382;  
Also, Senate Bill, No. 185;  
Also, Senate Bill, No. 210;  
Also, Senate Bill, No. 390;  
Also, Senate Bill, No. 62;  
Also, Senate Bill, No. 78;  
Also, Senate Bill, No. 290;  
Also, Senate Bill, No. 413;  
Also, Senate Bill, No. 278;  
Also, Senate Bill, No. 301;  
Also, Senate Bill, No. 53;  
Also, Senate Bill, No. 388;  
Also, Senate Bill, No. 377;  
Also, Senate Bill, No. 124;  
Also, Senate Bill, No. 409;

And have this day, May eighteenth, eighteen hundred and sixty-one, at five minutes of two o'clock, P. M. delivered the same to his Excellency the Governor.

Report accepted.

HEACOCK,  
Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 18th, 1861. }

Mr. PRESIDENT:—The House has nonconcurring in Senate amendments to Assembly Bill, No. 547, An Act making Appropriations for the support of the Civil Government of this State for the Thirteenth Fiscal Year, commencing the first day of July, eighteen hundred and sixty-one, and



ending on the thirtieth day of June, eighteen hundred and sixty-two, inclusive, except section six, which has been amended and concurred in, and has appointed Messrs. Conness, Magruder, and Miller, a Committee of Free Conference on the part of the House;

Also, have passed Senate Bill, No. 388½, An Act to amend an Act entitled An Act to amend An Act concerning Notaries Public, with an amendment;

Also, have receded from amendment to Senate Bill, No. 401;

Also, passed Assembly Bill, No. 556, An Act to provide for the revival, re-enactment, and amendment, of An Act to provide for the laying out and construction of certain Public and Private Roads in the County of San Joaquin, and to compensate the owners of Land taken for that purpose, approved April eighteenth, eighteen hundred and sixty.

J. M. ANDERSON,

Clerk of Assembly.

The Senate adhered to its amendments to Assembly Bill, No. 547—above reported, and appointed a Committee of Free Conference thereon, consisting of Messrs. Clark, Logan, and Watkins.

Senate Bill, No. 388½, above reported—was taken up, and Assembly amendments thereto concurred in.

Assembly Bill, No. 556, above reported—was read first and second times, rules suspended, bill read a third time by title and passed.

#### SPECIAL ORDER.

Assembly Bill, No. 506, An Act to provide for the erection of a State Prison at Folsom, being the Special Order, was taken up.

The question being upon the adoption of the substitute reported for the bill by the Committee on State Prison and Public Buildings, the ayes and noes were demanded by Messrs. Clark, Heacock, and Leet, and taken with the following result: Ayes, 15—noes, 7:

AYES—Messrs. Chase, Denver, Dickinson, Gallagher, Heacock, Hill, Leet, Logan, Parks, Rhodes, Ryan, Shafter, Thornton, Warmcastle, and Watkins—15.

NOES—Messrs. Clark, De Long, Eagan, Harvey, Irwin, Vance, and Watt—7.

So the substitute was adopted.

The substitute was then read first and second times—when, on motion on motion of Mr. Parks, the Senate took a recess until half past seven o'clock, P. M.

#### IN SENATE.

Senate reassembled at half past seven o'clock, P. M.

President *pro tem.* in the Chair.

Roll called.

No quorum present.

Mr. Vance moved a call of the Senate.

Lost.

Several Senators coming in, constituted a quorum.

Mr. Phelps made the following report:

MR. PRESIDENT:—The San Francisco Delegation, to whom was referred Senate Bill, No. 411, An Act granting the Right of Way over certain Lands in this State, in the County of San Mateo—have had the same un-

der consideration, and report the bill back with amendments, and recommend the passage of the bill so amended.

PHELPS,  
For the Delegation.

Rules suspended, bill considered in Committee of the Whole, and amended.

# IN SENATE.

Amendments concurred in, rules suspended, bill considered engrossed, read third time and passed.

The Forty-Fifth Rule was suspended, and bill ordered sent to the Assembly forthwith.

Senate substitute for Assembly Bill, No. 506, an act entitled An Act concerning a Branch State Prison, was taken up.

Mr. De Long moved to indefinitely postpone the whole subject matter.  
Lost.

The rules were then suspended, bill considered engrossed, and read a third time.

The question being—Shall the bill pass? the ayes and noes were demanded by Messrs. Vance, De Long, and Parks, and taken, with the following result: Ayes, 15—noes, 3:

AYES—Messrs. Burbank, Chase, Denver, Dickinson, Franklin, Gallagher, Haynes, Hill, Irwin, Leet, Rhodes, Ryan, Shafter, Vance, and Warmcastle—15.

NOES—Messrs. De Long, Harvey, and Parks—3.

So the bill passed.

Mr. Vance gave notice that he would, on Monday next, move to reconsider the vote by which the bill passed.

Senate Concurrent Resolution, Relative to a grant of land from Congress, at or near Folsom, for the use of a State Prison—was taken up and considered.

Mr. Rhodes offered the following substitute:

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all their influence to procure from Congress a grant of a tract of land in this State not less than one mile square, and not more than three miles square, to be selected by the Directors of the State Prison for the use of a State Prison.

Adopted.

Mr. Harvey offered the following resolution:

*Resolved*, That John Geran be, and he is hereby, appointed Postmaster of the Senate for one week after the adjournment of the Senate, his wages shall be the same as that of the present Postmaster, and the Controller is hereby authorized to draw his warrant for the same out of the Contingent Fund of the Senate.

Mr. Denver moved to indefinitely postpone the resolution.

Lost

The resolution was then adopted.

Mr. Ryan, by leave, introduced a bill for an Act entitled An Act to define the time when an Act entitled An Act to amend An Act concerning Notaries Public shall take effect.

Read first and second times, rules suspended, bill considered engrossed, rules further suspended, read a third time and passed.

The Forty-Fifth Rule was suspended, and the Secretary was directed to transmit the bill to the Assembly forthwith.

Mr. Heacock made the following report :

Mr. PRESIDENT :—Your Committee on Enrolled Bills, have examined and found correctly enrolled, Senate Bill, No. 414 ;

Also, Senate Bill, No. 316 ;

Also, Senate Bill, No. 386 ;

Also, Senate Bill, No. 405 ;

Also, Senate Bill, No. 407 ;

Also, Senate Bill, No. 114 ;

Also, Senate Bill, No. 79 —and have this day, at six o'clock, P. M. delivered the same to his Excellency the Governor for his approval.

HEACOCK,

Chairman.

Report accepted.

Mr. Clark made the following report :

Mr. PRESIDENT :—The Committee of Free Conference, to whom was referred Senate amendments to Assembly Bill, No. 547—have had the same under consideration and find that they cannot agree, they therefore beg leave to report the same back.

CLARK,

LOGAN,

WATKINS,

Of Senate.

CONNESS,

MILLER,

MAGRUDER.

Of Assembly.

Report received, and on motion of Mr. Clark, a second Committee of Free Conference was appointed, consisting of Messrs. Leet, Eagan, and Williamson.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly.

ASSEMBLY CHAMBER,

May 18th, 1861. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate Bill, No. 411, An Act granting the Right of Way over certain Lands in this State, in the County of San Mateo ;

Also, Senate Bill, No. 416, An Act to provide for the appointment of an Assayer of Ores and Metals for the County of Mono ;

Also, refused to recede from Assembly amendments to proposed Amendments to the Constitution, and have appointed Messrs. Campbell, Wright, and Lippincott, a Committee of Free Conference ;

Also, passed Assembly Bill, No. 557, An Act to repeal an Act entitled An Act to Fund the Debt of Solano County, and to provide for the payment of the same, passed April twenty-fourth, eighteen hundred and fifty-four ;

Also, passed Senate Bill, No. 300, An Act to Change the name of Gustave Madson ;

Also, Senate Bill, No. 392, An Act concerning the Offices of Coroner and Harbor-Master in the City and County of Sacramento ;

Also, have receded from its amendments to Senate Bill, No. 385;

Also, have discharged the former committee, and appointed Messrs Conness, Magruder, and Miller, a second Committee of Free Conference on the disagreeing vote of the two Houses on the General Appropriation Bill;

Also, passed Senate Bill, No. 378, An Act to define the time an Act entitled An Act to amend An Act concerning Notaries Public, passed the Senate May seventeenth, and passed the Assembly May eighteenth, eighteen hundred and sixty-one, shall take effect.

J. W. SCOBEEY,  
Assistant Clerk.

The Senate appointed as Committee of Free Conference on the disagreeing vote of the two Houses on proposed Constitutional Amendments, Messrs. Chase, Shafter, and De Long.

Assembly Bill, No. 557, above reported—was taken up, read first and second times, rules suspended, read a third time, and passed.

Assembly Bill, No. 549, An Act authorizing the issuance of Bonds to Clark, Dodge & Co.—was taken up, rules suspended, bill read a third time by title, and passed.

Mr. Denver moved that when the Senate adjourns, it adjourn to meet on Monday next, at ten o'clock, A. M.

Carried.

Mr. Ryan made a verbal report on Senate Bills, Nos. 347, 376, 534, and 324—reporting the bills back without recommendation.

Report received, and bills placed on file.

Mr. De Long moved to adjourn.

Lost.

Mr. Vance offered the following resolution:

*Resolved*, That M. Scott, Jr. be, and he is hereby, allowed the sum of thirty dollars, for services as Clerk and Expert of the Investigating Committee of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Watson offered the following resolution:

*Resolved*, That O. P. Allen be, and he is, hereby, allowed the sum of two dollars per day, from the twenty-sixth day of January, eighteen hundred and sixty-one, to the twenty-second day of May, eighteen hundred and sixty-one, inclusive, for copying Senate Journals of the present session; *provided*, that in no event shall the sum allowed by this resolution exceed the said sum of two dollars per day from said twenty-sixth of January, to said twenty-second day of May, inclusive; and, *provided*, that the same be paid out of the Contingent Fund of the Senate.

Indefinitely postponed.

Mr. Shafter made the following report:

Mr. PRESIDENT:—The Joint Committee of Conference appointed upon the part of the Senate and Assembly, upon the Constitutional Amendments—have considered the disagreement, and recommend that the Senate recede from their disagreement.

SHAFTER,  
For Senate.  
CAMPBELL,  
For Assembly.

Report adopted.

Mr. Heacock made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills, have examined Senate Bill, No. 391—and found the same correctly enrolled, and have this day, at nine o'clock, P. M. delivered the same to his Excellency the Governor.

HEACOCK,  
Chairman.

Report accepted.

Mr. Ryan offered the following resolution :

*Resolved*, That the Secretary, Assistant Secretary, and Minute Clerk, of the Senate, be, and they are hereby, allowed thirty days each after the adjournment of the Legislature to write up and deliver to the Secretary of State, as required by law, the Journals and other work of the Senate, and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer, payable out of the appropriation for pay of Officers and Clerks of the Senate and Assembly therefor.

Mr. Parks moved to strike out "thirty," and insert "five."

Accepted, and the resolution as amended was adopted.

Mr. Shafter moved to take from unfinished business the majority and minority reports of Special Committee on Copying.

Lost.

Mr. Ryan moved to take up Senate Bill, No. 387, An Act to authorize and provide for the erection of additional Buildings at the State Prison.

Upon which motion, the ayes and noes were demanded, by Messrs. Ryan, Burbank, and Eagan, and taken with the following result : Ayes, 16—noes, 7 :

AYES—Messrs. Burbank, Eagan, Franklin, Gallagher, Haynes, Hill, Irwin, Leet, Logan, Rhodes, Ryan, Vance, Warmcastle, Watson, Watt, and Williamson—16.

NOES—Messrs. Clark, De Long, Denver, Dickinson, Harvey, Parks, and Shafter—7.

So the bill was taken up, considered in Committee of the Whole, and amended.

#### IN SENATE.

Amendments concurred in, rules suspended, bill considered engrossed, read a third time and passed.

The Forty-Fifth Rule was suspended, and bill sent to the Assembly forthwith.

Mr. Leet made the following report :

MR. PRESIDENT :—The Committee of Free Conference, to whom was referred Assembly Bill, No. 547—with the Senate amendments thereto, have had the same under consideration, and beg leave to report as follows :

That the Senate recede from their first amendment, and that there be added to the clause providing for the contingent expenses of the Governor, after the words "five thousand dollars," the following :

"*Provided*, that the amount shall be used for a Secret Service Fund at the discretion of the Governor, and for no other purpose whatever."

That the Assembly concur in amendments numbered two, three, four, five, six, seven, and eight.

That the Senate recede from amendment, number nine.

That the Assembly concur in amendment, number ten.

That the Senate recede from their amendment, number eleven.

That the Assembly concur in Senate amendment, number twelve.

That the Senate recede from their amendment, number thirteen.

That the Senate concur in the Assembly amendments to Senate amendment, number fourteen.

That the Senate recede from their amendment, number fifteen.

LEET,  
WILLIAMSON,  
EAGAN,  
Senate Committee.  
CONNESS,  
MAGRUDER,  
MILLER,  
Assembly Committee.

Adopted.

Mr. Eagan offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be, and he is hereby instructed to collect within one week after the adjournment of the Legislature, all of the furniture and other property belonging to the State now in the Committee Rooms, and deposit the same with the Secretary of State.

Adopted.

Mr. Watt moved to adjourn.

Lost.

Mr. Leet moved to take from unfinished business the majority and minority reports of the Special Committee on Copying.

Upon which motion, the ayes and noes were demanded, by Messrs. Burbank, Leet, and Shafter, and taken with the following result : Ayes 11—noes, 9 :

AYES—Messrs. Burbank, De Long, Denver, Franklin, Harvey, Heacock, Leet, Logan, Rhodes, Shafter, and Warmcastle—11.

NOES—Messrs. Dickinson, Eagan, Gallagher, Irwin, Ryan, Vance, Watson, Watt, and Williamson—9.

The Chair ruled that it required a two-third vote to take the report up.

So the motion was lost.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 18th, 1861. }

MR. PRESIDENT:—The House has, this day, adopted the report of the Conference Committee on the disagreeing vote of the two Houses upon the constitutional amendments ;

Also, have adopted the report of the Committee on Free Conference on the General Appropriation Bill ;

Also, have passed Assembly Bill, No. 558, An Act supplemental to An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco, passed May thirteenth, eighteen hundred and sixty-one.

J. W. SCOBEE,  
Assistant Clerk.

Assembly Bill, No. 558, above reported—was read first and second times, rules suspended, bill read a third time by title, and passed.

The following amendments were made in the Assembly to the proposed amendments heretofore adopted by the Senate to article six of the Constitution :

In section three, at the end of the fifth line, after the word "elected," add the words "except a Superintendent of Public Instruction."

Strike out the proviso of section three, and insert in lieu thereof the words "except those elected at the first election, who at their first meeting shall so classify themselves by lot that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice."

In section four, line eleven, after the word "criminal," insert the words "amounting to felony, on questions of law alone."

In section five, line three, strike out the words "a convenient number of," and insert in lieu thereof the word "fourteen."

In section five, line five, after the words "time to time," insert the words "by a two third vote of all the members elected to both Houses."

At the end of section five, add: "The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office."

Add to section seven: "Said courts shall also have power to issue naturalization papers. In the city and county of San Francisco the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years."

In section ten, strike out all after the word "thereof," in line seven.

Section eleven, line four, strike out the word "Coroners," and in lines sixteen and seventeen, strike out the words "to hear cases on reference."

In section seventeen, line two, after the word "way," add the words "state the testimony and."

The following amendments were made in the Assembly to the proposed amendments heretofore adopted by the Senate to article four of the Constitution.

In section two, line three, strike out the word "January," and insert the word "December;"

Also, strike out all after the words "longer than," in line seven, and insert in lieu thereof the words "one hundred and twenty days."

In section thirty-nine, strike out the first part of the section down to and including the words "annulled and," in the third line."

The following amendment was made in the Assembly to the proposed amendments heretofore adopted by the Senate to article five of the Constitution :

In section two, strike out the word "January," and insert the word "December."

The following additional proposed amendment to the Constitution was also adopted by the Assembly :

The Legislature of the State of California, at its session commencing on the first Monday of January, eighteen hundred and sixty-one, proposes the following amendment to article nine, section one, of the Constitution :

Said section of said article shall read :

## ARTICLE IX.

Section 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

The foregoing Assembly amendments to the Senate's proposed amendments heretofore adopted, to articles four, five, and six, of the Constitution, together with the above additional proposed amendment adopted by the Assembly, to article nine of the Constitution, were read and adopted by the Senate by the following vote: Ayes, 21—noes, none:

AYES—Messrs. Burbank, Clark, De Long, Denver, Dickinson, Egan, Franklin, Gallagher, Harvey, Haynes, Irwin, Leet, Logan, Parks, Rhodes, Ryan, Shafter, Vance, Warmcastle, Watt, and Williamson—21.

NOES—None.

Mr. Heacock, by leave, introduced a bill for An Act concerning Mining Associations and Companies.

Read first and second times, and on motion of Mr. Parks, indefinitely postponed.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 17th, 1861.

*To the Honorable the Senate of California:*

I transmit herewith to your honorable body a copy of a communication received from William Matthews, Esq. the Attorney of record of Antonio Chabolla, the plaintiff in the case of Chabolla v. Raymond *et als.* by which it will be seen that the plaintiff has determined not to enforce his writ at this time, consequently, no military will be needed as was asked by the Sheriff of Santa Clara County, and the appropriation asked for in my special message on this subject is not now required.

JOHN G. DOWNEY,  
Governor.

[COPY.]

*To Hon. John G. Downey, Governor of California:*

I take occasion to inform you that from the determination of the plaintiff, Antonio Chabolla, in the case of Chabolla v. Raymond *et als.* not to enforce his writ at this time, no military will be needed for that purpose under the requisition of the Sheriff of Santa Clara County.

(Signed.)

WILLIAM MATTHEWS,  
For Plaintiff Chabolla.

SACRAMENTO, May 16, 1861.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 17th, 1861.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate Bill, No. —, An Act to audit and allow certain Claims;

Also, Senate Bill, No. —, An Act amendatory of An Act granting to Thomas Harrigan and his Assigns the right to lay a Railroad Track along



a certain Road in the City and County of Sacramento, approved May fourteenth, eighteen hundred and sixty-one;

Also, Senate Bill, No. —, An Act for the relief of Jerome Madden;

Also, Senate Bill, No. —, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six;

Also, Senate Bill, No. —, An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara;

Also, Senate Bill, No. —, An Act to provide for printing the Report of the State Agricultural Society;

Also, Senate Bill, No. —, An Act to give immediate effect to certain Acts therein named;

Also, Senate Bill, No. —, An Act to procure a conveyance by John Center to the State of certain Real and Personal Property at or near the State Prison;

Also, Senate Bill, No. —, An Act to provide for the payment of certain Outstanding Indebtedness of the County of Sierra;

Also, Senate Bill, No. —, An Act appropriating Money to pay the Claim of the Sacramento Gas Company;

Also, Senate Bill, No. —, An Act to provide for the payment of the Claim of General A. M. Winn;

Also, Senate Bill, No. —, An Act amendatory of, and supplementary to, An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Senate Bill, No. —, An Act to amend an Act entitled An Act to regulate Fees of Office, approved April tenth, eighteen hundred and fifty-five;

Also, Senate Bill, No. —, An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers, passed March twentieth, eighteen hundred and fifty-five;

Also, Senate Bill, No. —, An Act in relation to the Probate Court in the City and County of San Francisco;

Also, Senate Bill, No. —, An Act to provide for the Printing and Engraving of State Controller's Warrants;

Also, Senate Bill, No. —, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and Others;

Also, Senate Bill, No. —, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State;

Also, Senate Bill, No. —, An Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Twelfth, Tenth, and Fifteenth, Judicial Districts;

Also, Senate Bill, No. —, An Act supplemental to An Act concerning Notaries Public, passed April thirtieth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved March sixteenth, eighteen hundred and fifty-nine;

Also, Senate Bill, No. —, An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court House;

Also, Senate Bill, No. —, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof;

Also, Senate Bill, No. —, An Act to audit and allow a Claim of John F. McCauley against the State.

JOHN G. DOWNEY,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, May 18th, 1861.

*To the Honorable the Senate of the State of California :*

In compliance with the resolution of your honorable body of this date, I return herewith Senate Bill, No. 287, An Act to audit and allow the Claim of John P. Reilly.

JOHN G. DOWNEY,  
 Governor.

On motion of Mr. Eagan, the Senate adjourned.

RICHARD IRWIN,  
 President *pro tem.* of the Senate.

Attest: C. W. TOZER, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,  
 Monday, May 20th, 1861. }

Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Quorum present.

Journals of Friday and Saturday, May seventeenth, and eighteenth, read and approved.

Mr. De Long, pursuant to notice, moved to reconsider the vote by which Assembly Bill, No. 321, An Act for the Observance of the Sabbath, was passed on Saturday—which motion was put and lost.

So the Senate refused to reconsider the vote by which the bill passed.

Mr. Hancock made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills, have examined and report as correctly enrolled, Senate Bill, No. 378½ ;

Also, Senate Bill, No. 392½ ;

Also, Senate Bill, No. 412 ;

Also, Senate Bill, No. 277 ;

Also, Senate Bill, No. 394 ;

Also, Senate Bill, No. 276 ;

Also, Senate Bill, No. 396 ;

Also, Senate Bill, No. 205 ;

Also, Senate Bill, No. 279 ;

Also, Senate Bill, No. 415 ;

Also, Senate Bill, No. 401 ;

Also, Senate Bill, No. 385 ;

Also, Senate Bill, No. 300 ;

Also, Senate Bill, No. 345 ;

Also, Senate Bill, No. 416 ;

Also, Senate Bill, No. 221 ;

Also, Senate Bill, No. 388½ ;

Also, Senate Bill, No. 327 ;

Also, Senate Bill, No. 364 ;

Also, Senate Bill, No. 398½ ;

Also, Senate substitute for Assembly Bill, No. 187 ;

Also, Senate Concurrent Resolutions, Nos. 62 and 78 ;

Also, Senate Bill, No. 360 ;

Also, Senate Bill, No. 411 ;

Also, Senate Bill, No. 80 ;

Also, the proposed Constitutional Amendments—which bills were handed to his Excellency the Governor, at 10 o'clock, p. m. on the eighteenth day of May, eighteen hundred and sixty-one.

HEACOCK,

Chairman.

Report accepted.

Mr. Heacock offered the following resolution :

*Resolved*, That the following named Assistant Enrolling Clerks of the Committee on Enrolled Bills, of the Senate, be, and they are, each, allowed the sums placed opposite their names herein, for extra services as such Assistant Enrolling Clerks, payable out of the Contingent Fund of the Senate :

John Lee, from May 16th, 5 days.....	\$10 00
M. Scott, Jr., from May 16th, 5 days.....	10 00
H. B. Livingston, from May 16th, 5 days.....	10 00
John Hatch, from May 17th, 4 days.....	8 00
Joseph Nougés, from May 17th, 4 days.....	8 00
W. S. Botts, from May 18th, 3 days.....	6 00
J. C. Potter, from May 18th, 3 days.....	6 00
J. R. Brown, from May 18th, 3 days.....	6 00
E. Cadwalader, from May 18th, 3 days.....	6 00
C. H. Beares, from May 19th, 3 days.....	6 00
James Moore, from May 18th, 3 days.....	6 00
John Madden, from May 19th, 2 days.....	4 00
H. B. Congdon, from May 19th, 2 days.....	4 00
W. Daily, from May 19th, 2 days.....	4 00
W. A. Knapp, from May 19th, 2 days.....	4 00
Thomas Moreland, from May 19th, 2 days.....	4 00

*Provided*, That the full amount allowed such Assistant Clerks shall not exceed the sum of eight dollars per day, each.

Adopted.

Mr. Vance offered the following resolution :

*Resolved*, That James Sweeney be allowed the sum of twenty-five dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Eagan offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be allowed six days' pay after the adjournment of the Legislature, to carry out the provisions of a Resolution of Instruction, passed on Saturday last, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That Henry R. Mighels, Assistant Enrolling Clerk of the

Senate be, and he is hereby, allowed two dollars per day extra, for extra services rendered by him from the tenth of April, to the twentieth of May, eighteen hundred and sixty-one, inclusive, said amount to be paid out of the Fund set apart for the Pay of Officers and Employés of the Senate.

Adopted.

Mr. Shafter offered the following resolution :

*Resolved*, That the Hon. Richard Irwin, President *pro tem.* of the Senate be, and he is hereby, authorized and required to examine, approve and sign, as approved, the journal of this day's proceedings, as soon as the Secretary can write up the same after the adjournment of the Legislature *sine die*, and he receive his per diem for the same.

Adopted.

Mr. Eagan offered the following resolution :

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to the Hon. Richard Irwin, for his invariably courteous and impartial conduct as presiding officer.

Adopted unanimously.

Mr. Watkins offered the following resolution :

*Resolved*, That F. H. Woods be allow to withdraw the vouchers accompanying his claim.

Adopted.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 20th, 1861.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill, No. 393, An Act making appropriations for Deficiencies made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 398, An Act to amend an Act entitled An Act appropriating Money for the payment of the Copying of the Legislature during the Twelfth Session, approved April fifteenth, eighteen hundred and sixty-one ;

Also, Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Moneys ;

Also, Senate Bill, No. 388, An Act to authorize the Sale of the Estate of the late Maria Smith, deceased ;

Also, Senate Bill, No. 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for the use of the County ;

Also, Senate Bill, No. 53, An Act for the protection of Water Companies ;

Also, Senate Bill, No. 386, An Act authorizing the settlement of certain Claims against the Estate of Cesario Lataillade, late of Santa Barbara County ;

Also, Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty ;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereof, and supplemental thereto;

Also, Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale;

Also, Senate Bill, No. 389, An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax and create a Redemption Fund for the payment of County Indebtedness;

Also, Senate Bill, No. 146, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Funding and Payment of the outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six;

Also, Senate Bill, No. 3, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco;

Also, Senate Bill, No. 245, An Act fixing the number of Officers and Employes of the Senate and Assembly, and to define their duties and to establish their pay;

Also, Senate Bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 409, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty;

Also, Senate Bill, No. 405, An Act conferring additional powers on the Board of Supervisors of the City and County of San Francisco;

Also, Senate Bill, No. 391, An Act to authorize John Reed, Guardian of the Infant Heirs of Joseph Pardee, deceased, to sell certain Real Estate in Sacramento City and County;

Also, Senate Bill, No. 300, An Act to change the name of Gustave Madson;

Also, Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, late State Controller;

Also, Senate Bill, No. 416, An Act to provide for the appointment of an Assayer of Ores and Metals, and to define his duties for and within the County of Mono;

Also, Senate Bill, No. 343, An Act to regulate the Fees of certain Officers in Calaveras County;

Also, Senate Bill, No. 364, An Act providing for the Publication, and reference to the Legislature of the State of California for the year eighteen hundred and sixty-two, of the Amendments to the Constitution proposed by the Legislature of the year eighteen hundred and sixty-one;

Also, Senate Bill, No. 392, An Act concerning the Offices of Coroner and Harbor-Master in the City and County of Sacramento;

Also, Senate Bill, No. 412, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April twenty-ninth, eighteen hundred and sixty-one;

Also, Senate Bill, No. 277, An Act relative to the issuance of Certificates to exempt Firemen within this State;

Also, Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County, by the qualified voters of said County ;

Also, Senate substitute for Assembly Bill, No. 187, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty ;

Also, Senate Bill, No. 394, An Act amendatory of an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplemental thereto, and to Incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, Senate Bill, No. 396, An Act in relation to the Commission appointed on behalf of this State to run and mark the Eastern Boundary Line of the State of California ;

Also, Senate Bill, No. 205, An Act amendatory of an Act supplemental to An Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments ;

Also, Senate Bill, No. 279, An Act to regulate appeals in this State ;

Also, Senate Bill, No. 360, An Act amendatory of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate Bill, No. 415, An Act defining further powers and duties of the Trustees, or Managers, of the State Reform School, and the Managers of the Industrial School Department of San Francisco ;

Senate Bill, No. 411, An Act granting the Right of Way over certain Lands of this State, in the County of San Mateo ;

Also, Senate Bill, No. 170, An Act amendatory of an Act entitled An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes thereon, approved March twenty-second, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 398½, An Act to amend an Act entitled An Act to amend An Act concerning Notaries Public, approved April thirteenth, eighteen hundred and fifty-seven, approved March sixteenth, eighteen hundred and fifty-nine ;

Also, Senate Bill, No. 378½, An Act to define the time an Act entitled An Act to amend an Act entitled An Act to amend An Act concerning Notaries Public, passed the Senate, May seventeenth, and passed the Assembly, May eighteenth, eighteen hundred and sixty-one, shall take effect ;

Also, the proposed Amendments to the Constitution ;

Also, Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto ;

Also, Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereof.

JOHN G. DOWNEY,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
May 20th, 1861. }

Mr. PRESIDENT:—The House has, this day, adopted a resolution suspending the Fifteenth Joint Rule.

J. W. SCOBEEY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
May 20th, 1861. }

Mr. PRESIDENT:—The House has, this day, passed Senate Bill, No. 387, An Act to authorize and provide for the erection of additional Buildings at the State Prison—amending the same by striking out all after the enacting clause, and inserting the accompanying amendment; and has also amended the title of the same, and request the concurrence of the Senate therein.

J. W. SCOBEEY,  
Assistant Clerk.

Assembly Bill, No. 387, above reported—was taken up, and on motion of Mr. Vance, the whole subject matter was indefinitely postponed.

The resolution above reported, suspending the Fifteenth Joint Rule, was laid on the table.

On motion of Mr. Ryan, leave of absence was granted to Mr. Thomas until the meeting of the next Legislature.

ASSEMBLY CHAMBER,  
May 20th, 1861. }

Mr. PRESIDENT:—The Assembly has, this day, adopted a Concurrent Resolution, appointing a committee of three from each House, to wait upon the Governor and inform him that the Legislature is ready to adjourn *sine die*, and have appointed Messrs. Magruder, Powell, and Cherry, committee on the part of the Assembly.

J. W. SCOBEEY,  
Assistant Clerk.

The resolution above reported, was read and adopted.

The Chair appointed as such committee on the part of the Senate, Messrs. Clark, Parks, and Dickinson.

Mr. Vance offered the following resolution:

*Resolved*, That the thanks of the Senate be, and they are hereby, tendered to C. A. Uhrig, the Assistant Sergeant-at-Arms of this body, for the able and efficient manner in which he has discharged the duties of his office.

Adopted.

Mr. Clark, Chairman of the Select Committee appointed to wait upon the Governor and inform him of the readiness of the Legislature to adjourn *sine die*, made a verbal report, informing the Senate that the committee had performed the duty assigned them, and that the Governor had no further communication to make to the Legislature.

The Secretary, by the direction of the Chair, then read the Concurrent Resolution fixing the twentieth of May, at twelve o'clock, noon, for the adjournment of the Legislature *sine die*—

Whereupon, the President *pro tem*. Mr. Irwin, addressed the Senate as follows:

SENATORS:—I thank you, from the bottom of my heart, for the kind favors you have done me. We have represented on this floor, three different and sharply defined parties, and many questions have come up for discussion which have been well calculated to excite earnest partisan feeling; and sometimes it may have been possible, I, with the rest, both on the floor and in this chair, have exhibited some improper warmth. If I have erred in this respect, the error, you may rest assured, has been unintentional. I have endeavored to cultivate kind personal relations with every Senator, to win his respect, to do him exact justice; and if I thought I had given offense to either, it would cause me more regret than the gentleman offended. In parting with you, Senators, and without duly adverting to the melancholy political differences which now distract the country, I hope that among those who have greeted each other, day after day, during the present session, there will always be a cordial union of hearts, and that when those of us who may, in the fulfillment of our duty and in the Providence of God, meet again next Winter, we may find the war-cloud gone, and this great Republic, the hope of the good men of all Christendom, reunited in mutual confidence and brotherly love. It is probable that, upon this floor, we represent every section of the United States; and as, during the last few months, we have known no distinction of sections, each only vying with the other to do more good for the people and add more glory to the State, so let us ardently hope may the rulers at the East shape their purposes that when the representatives of California meet again, they may find that not a star has been erased from our flag, and not a citizen has been deprived of his proprietorship in this great Union of States. I now declare this Senate adjourned, *sine die*.

RICHARD IRWIN,

President *pro tem.* of the Senate.

Attest; DAVID J. WILLIAMSON, Assistant Secretary of the Senate.



# I N D E X .

# ORDER OF ARRANGEMENT.

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ABBREVIATIONS.—S. B., Senate Bill; S. C. R., Senate Concurrent Resolution; A. B., Assembly Bill; A. C. R., Assembly Concurrent Resolution.

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183	An Act restricting the herding of Sheep in certain Counties in this State. Logan.....	282	33
184	An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate. Vance.....	282	34
185	An Act to provide for the engraving and printing of State Controller's Warrants. Thornton.....	282	35

## ENATE BILLS.

Number.....	T I T L E .	Introduced.....	Passed Senate	Passed Assembly.....
36	An Act to procure a conveyance, by John Center, to the State, of certain Real and Personal Property at and near the State Prison. Phelps.....	291	303	340
37	An Act to authorize Peter Davidson to execute a certain Conveyance in behalf of his infant Children. Rhodes.....	294	409	577
38	An Act amendatory of an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one. Merritt....	294		
39	An Act authorizing the Board of Trustees of the Oroville Cemetery to give to Purchasers of Lots their proper Certificate of Purchase, and to manage the said Cemetery. Vance.....	294	326	652
40	An Act to provide for the ascertaining and payment of the value of the interest of the State of California within the Water Line Front of the City of San Francisco, as defined in an Act entitled An Act to provide for the disposition of certain Property of the State of California, approved March twenty-sixth, eighteen hundred and fifty-one. Merritt.....	294		
41	An Act to appropriate Money to pay the claim of L. B. Richardson. Committee on Claims.....	304	303	712
42	An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County. Logan.....	306	306	595
43	An Act for the relief of Edward L. Green, former Sheriff of Sonoma County. Hill.....	306	674	748
44	An Act to grant the Right of Way for a Turnpike Road, and to confer certain Privileges to the parties therein named. Parks.....	307	323	
45	An Act deferring the time of holding the Court of Sessions in the County of Fresno. Merritt.....	311	312	504
46	An Act to amend an Act entitled An Act amendatory of an Act entitled An Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty. Ryan.....	307		748
47	An Act in relation to the incorporation of the Town of Grass Valley. Watt.....	312	312	348
48	An Act in relation to the Compensation of the County Auditor of Butte County. Vance.....	313	312	582
49	An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization. Egan.....	312	343	546
50	An Act to amend an Act entitled An Act to establish, support, and maintain, and regulate, Common Schools, and to repeal former Acts concerning the same, approved March third, eighteen hundred and fifty-five. Egan.....	312	561	
51	An Act to provide for the payment of the Claim of General A. M. Winn. Parks.....	322	572	
52	An Act amendatory of and supplementary to an Act entitled An Act			

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate	Passed Assembly
	to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three. Phelps.....	322		
203	An Act to provide for the construction of certain Wharfs in the City and County of San Francisco. Watson.....	323		
204	An Act amendatory of An Act supplemental to an Act passed April twenty-ninth, eighteen hundred and fifty-one, to regulate proceedings in Civil Cases. Harvey.....	326	499	73
205	An Act amendatory of and supplemental to an Act of April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments. Harvey.....	326	597	75
205	An Act amendatory of an Act supplemental to an Act passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments. Harvey.....	326	597	75
206	An Act amendatory of and supplemental to an Act passed March twenty-sixth, A. D. eighteen hundred and fifty-one, entitled An Act to provide for the disposition of certain Property of the State of California. Sharp.....	332		
207	An Act for the permanent location of the County Seat of Stanislaus County. Williamson.....	331	572	61
208	An Act to amend an Act entitled An Act for opening and repairing Roads and Highways in the Counties of Sutter and Santa Cruz. Parks.....	333	573	
209	An Act in amendment of An Act concerning the Office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four. Shafer.....	330	418	
210	An Act in relation to the Probate Court in the City and County of San Francisco. Burbank.....	332	761	89
• 211	An Act supplementary to an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Burbank.....	333		
212	An Act to grant the right to construct a Bridge across the American River, to Samuel Norris. Clark.....	332		
213	An Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Grave-Yard in Red. Bluff, to the New Cemetery, and to levy a Tax to pay the cost of the same. Logan.....	350	350	33
214	An Act to provide for the Survey and Construction of a Wagon Road from Sacramento City to Empire Ranch. Watkins.....	404		
215	An Act in relation to Bills of Exchange and other Negotiable Instruments. Phelps.....	396	597	73
216	An Act authorizing Charles H. Brindle and Andres Pico to build and construct a Turnpike Road from the ex-Mission of San Fernando to the Arroyo de Santa Clara in Los Angeles County. Pico.	404	615	68
217	An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty. Shafer.....	404	417	56
218	An Act to authorize the Board of Supervisors of the City and Coun-			

## ENATE BILLS.

Number.....	T I T L E .	Introduced....	Passed Senate	Passed Assembly.....
	ty of San Francisco to modify the grade of certain Streets in said City and County. Sharp.....	404		
9	An Act to repeal An Act to declare Feather River Navigable, approved March fourteenth, eighteen hundred and fifty-one. Vance	405	649	774
0	An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three. Haynes.....	409	574	748
1	An Act to pay the Claim of A. R. Melony, late State Controller.	409	766	868
4	An Act to develop the Agricultural Resources of the State, by encouraging the early reclamation of the Swamp and Overflowed Lands, within its boundaries, by the Owners thereof, and to secure the application of Moneys, arising from the sale of the same, to the object contemplated by Congress in granting said Lands to the State. Warmcastle.....	405		
5	An Act for the relief of Lewis Teal, late Tax Collector in the City and County of San Francisco. Sharp.....	404	689	748
3	An Act supplemental to an Act entitled An Act to provide Revenue for the support of the Government of this State, passed April thirtieth, eighteen hundred and sixty. Franklin.....	405		
7	An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in the transmission thereof. Phelps.....	404	696	748
3	An Act amendatory of, and supplementary to, an Act entitled An Act to give the Proceedings of the Courts of Probate the same effect as Courts of General Jurisdiction, passed March twenty-seventh, eighteen hundred and fifty-eight. Sharp.....	404		
3	An Act to change the name of Daniel McDonough to that of James Henry Warwick. Clark.....	404	405	529
0	An Act to repeal an Act entitled An Act to create Inspectors of Salt Beef, Pork, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six, also An Act amendatory and supplemental to an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six, approved March twenty-second, eighteen hundred and sixty. Harvey.....	405		
1	An Act to separate the Office of County Recorder from the Office of County Clerk in Calaveras County. Gallagher.....	404	510	595
2	An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and amended May eighteenth, eighteen hundred and fifty-three. Burbank.....	404		
3	An Act to provide for the publication of the General Laws of the State in force at the expiration of the Thirteenth Session of the Legislature. Watkins.....			
4	An Act to pay certain Claims and to make an Appropriation for the same. Committee on Claims.....		573	748
5	An Act to appropriate Money to pay the Claim of Wells, Fargo & Co. Committee on Claims.....	399	617	748
3	An Act to appropriate Money to pay the Claim of William Bofer & Co. Committee on Claims.....	399	419	

## SENATE BILLS.

Number.....	TITLE.	Introduced....	Passed Senate	Passed Assembly
237	An Act to exempt certain Property from Taxation. Phelps.....	409		
238	An Act for the relief of Thomas W. Day, County Treasurer of Monterey County, to reimburse him for costs and expenses incurred by him in a Suit for a Writ of <i>Mandamus</i> , wherein David Jackson was Plaintiff. Watson.....	474	573	3
239	An Act to amend an Act, passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos. Watson.....	414		6
240	An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Thornton.....	414	670	7
241	An Act relating to a Sea-Wall in the City and County of San Francisco. Irwin.....	409		
242	An Act to appropriate Money to improve certain Wagon Roads running through the Counties of Butte and Plumas. Vance.....	414		
243	An Act to authorize the Executors of David C. Broderick, deceased, to sell and convey certain Real Estate. Sharp.....	419		
244	An Act granting the Right of Way over certain Lands in this State in the Counties of Alameda and San Joaquin. Sharp.....	417	702	3
245	An Act to define the duties of the Officers and Employés of the Senate and to establish their pay. Denver.....	417	715	3
246	An Act supplementary to an Act explanatory of An Act to amend An Act concerning Notaries Public, passed April twentieth, eighteen hundred and fifty-nine. Warmcastle.....	418	574	3
247	An Act authorizing C. S. Higgins and his Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco.	417	606	3
248	An Act to repeal an Act entitled An Act fixing the Salary of the Register of the State Land Office. Denver.....	418		
249	An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and to create a Contingent Fund, passed April sixteenth, eighteen hundred and sixty. Logan	418	418	3
250	An Act to create the Office of Sergeant-at-Arms. Shafter.....	418		
251	An Act to authorize Mariah O'Connor, Administratrix of the Estate of Michael O'Connor, deceased, to sell and convey Real Estate. Sharp.....	444	578	3
252	An Act for the relief of the Clerk of the Board of Supervisors of Sacramento County. Heacock.....	443	494	6
253	An Act to confirm the Sales made by the State Board of Land Commissioners to Land sold by them in the City and County of San Francisco. Logan.....	443		
254	An Act providing for the Revision of the General Laws of this State. Parks.....	443		
255	An Act to appropriate Money for Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year. Eagan.....	445	754	3
256	An Act to exempt the Odd-Fellows' Hall in Marysville from Taxation. De Long.....	498		



## STATE BILLS.

T I T L E .	Introduced....	Passed Senate	Passed Assembly.....
An Act to establish the Mineral and Geological Department of the State of California. Merritt.....	499		
An Act fixing the Salaries of State Officers and Clerks. Denver...	499	598	678
An Act to Support and Maintain a Fire Department in the City of Nevada. Chase.....	499	561	609
An Act amendatory of an Act supplementary to an Act entitled An Act to afford Protection to Immigrants. Ryan.....	499	745	
An Act to fix the time during which the present Collector of El Dorado County may hold his Office. Harvey.....	498		
An Act to protect the Inventors and Designers of Plaster Ornaments for House Decorations, Interior and Exterior Ornaments for Houses and other Buildings. Burbank.....	499		
An Act to incorporate the Town of Grass Valley. Chase.....	509	509	523
An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the Right of Way for the construction of Turnpike Roads. Rhodes.....	509	509	610
An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co. Logan.....	509		
An Act appropriating Money for the payment of Copying of the Legislature during the Twelfth Session. Eagan.....	509	509	577
An Act to repeal an Act entitled An Act requiring the Controller of State to sign certain Blanks, and to appoint a Deputy for that purpose. Logan.....	509		
An Act to appropriate Money to pay the claim of E. J. Sanders and others. Committee on Claims.....	511	572	668, 730
An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River. Parks.....	525		610
An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty, and other Acts amendatory thereof. Rhodes.....	525	708	797
An Act for the relief of S. Wilcox. Harvey.....	525	613	
An Act concerning the Office of Tax Collector in the County of Placer. Leet.....	525	525	582
An Act to amend An Act concerning Ferries and Toll-Bridges, passed April twenty-eighth, eighteen hundred and fifty-five. Phelps.	525	681	748
An Act relative to the payment of Stewards for the San Francisco Fire Department. Sharp.....	525	546	552
An Act for the preservation and protection of Trout. Rhodes....	525	614	632
An Act to re-locate the County Seat of Sonoma County by the qualified Voters of said County. Edgerton.....	548	601	839
An Act relating to the issuance of Certificates of Exempt Firemen within this State. De Long.....	548	770	850
An Act concerning the Office of Treasurer, County Clerk, County			

## SENATE BILLS.

Number.....	T I T L E .	Introduced.....	Passed Senate	Passed Assembly
	Recorder, and Clerk of the Board of Supervisors, of Sonoma County. Hill.....	548	600	6
279	An Act to regulate Appeals in this State. Thomas.....	548	768	2
280	An Act to provide for certain Railroads within the City and County of San Francisco. Phelps.....	548		
281	An Act concerning Salaries of certain County Officers in the County of Napa. Edgerton.....	548	708	2
282	An Act amendatory of an Act entitled An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty. Rhodes.....	548	707	3
283	An Act to amend an Act entitled An Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one. Rhodes.....	548		
284	An Act to audit and allow the Claim of John Crowell, Abel Guy, and others. Judiciary Committee.....	545	598	3
285	An Act to authorize Frederick Griffin, and his associates, to construct a Wharf in the City and County of San Francisco. Committee on Commerce and Navigation.....	545	545	
286	An Act to amend an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one. Committee on Commerce and Navigation.....	545	545	
287	An Act to audit and allow the Claim of John P. Reiley. Phelps..	559	770	
288	An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco. Logan...	559		
289	An Act to amend an Act entitled An Act to alter and define the Boundary Line of Tehama. Logan.....	559		
290	An Act to authorize the Property-Holders to open a Street in front of certain Lots in the City and County of San Francisco. Burbank.....	559	798	3
291	An Act to fix the Terms of the District Court in the County of Mono. Eagan.....	571	579	63
292	An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco. Eagan...	572		
293	An Act fixing the time of holding the Court of Sessions and County Court in the County of Mono. Eagan.....	571	579	63
294	An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty-one. Merritt.....	559		
295	An Act to appropriate Money to pay the Claim of Richard M. Jesup. Committee on Claims.....	568		
296	An Act to appropriate Money to pay the Claim of Greenhood & Newbauer. Committee on Claims.....	568	614	74
297	An Act to audit and pay the Claim of G. D. Bliss & Co. Committee on Claims.....	567	754	78

## STATE BILLS.

TITLE.	Introduced....	Passed Senate	Passed Assembly
An Act to authorize Giles Bewell to remove the remains of Deceased Persons in the Town of Michigan Bluff, Placer County. Lect.....	577	577	668
An Act relating to the Coso Silver Mining Company. Logan.....	578		
An Act to change the name of Gustave Madson. Franklin.....	578	617	869
An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for the use of the County. Harvey.....	578		840
An Act to amend an Act entitled An Act regulating Proceedings in Civil Cases in Courts of Justice in this State in relation to new Trials in Actions of Ejectment. Shafter.....	578		
An Act to repeal the several Acts Incorporating the City of Los Angeles, and to provide for the Government thereof. Pico.....	583	583	
An Act to provide Revenue for the Support of the Government of this State. Merritt.....	585	585	705
An Act appropriating Money for the completion of the Building for the State Reform School, and for other purposes connected therewith. Merritt.....	593	666	702
An Act to amend an Act entitled An Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Edgerton.....	598		
An Act to amend an Act entitled An Act to amend an Act entitled An Act declaring certain Rivers and Creeks Navigable, passed February eighteenth, eighteen hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, eighteen hundred and fifty-three, passed May fifteenth, eighteen hundred and fifty-four, approved April tenth, eighteen hundred and sixty. De Long.....	599	681	691
An Act entitled an Act to prevent Non-Residents of this State from Selling Goods without a Licence. Ryan.....	606	843	
An Act to separate the Office of Collector of Taxes from the Office of Sheriff in the County of Tehama. Logan.....	605	623	
An Act to repeal an Act entitled An Act to amend an Act entitled An Act to Incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, with certain amendments to said Act of Incorporation. Harvey.....	605	616	
An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of certain Streets in said City and County. Sharp.....	605		
An Act to organize a Board of Supervisors in and for the County of Tehama, and to district said County. Logan.....	605	614	632
An Act fixing the Salary of the District Judge of the Thirteenth Judicial District. Merritt.....	605	696	731
An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State. Thornton....	604	708	
An Act supplementary to An Act defining the rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty. Sharp.....	605		

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate	Present Assembly
316	An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale. Sharp.....	605	705	75
317	An Act to authorize the taking of Depositions in Foreign Countries. Sharp.....	606		
318	An Act to amend an Act entitled An Act to create the Office of State Printer, and define the Duties and Compensation thereof, and to provide for the time of Election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto. Lect.....	604	614	76
319	An Act to amend An Act to incorporate the City of Marysville. De Long.....	607		73
320	An Act for the relief of Truman Whcox. Harvey.....			65
321	An Act relating to the War Debt of this State. Committee.....	613	649	73
322	An Act amendatory of, and supplementary to, An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State. Vance.....	607		
323	An Act for the protection of Harbors. Ryan.....	626	626	66
324	An Act for the building of a Wharf at the foot of Main Street. Sharp.....	606		
325	An Act making an Appropriation for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one. Clark.....	626	627	66
326	An Act to create the Office of Commissioner of Immigration and to encourage and to promote direct Immigration to this State from Europe. Burbank.....	625		
327	An Act to repeal such Laws and parts of Laws as declare the American Fork, or River, or any portion thereof, navigable. Heacock.....	633	771	50
328	An Act to authorize and empower the Board of Supervisors to levy a Special Tax to purchase suitable Grounds for a High School in Napa County, for the support of the same. Edgerton.....	633		
329	An Act to amend An Act to regulate Proceedings in Civil Cases. Shafter.....	648		
330	An Act amendatory of, and supplementary to, an Act entitled An Act in relation to Personal Mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven. Heacock.....	636	637	63
331	An Act to provide for including Contra Costa County within the Fourth Judicial District. Warmcastle.....	648		
332	An Act declaring the consent of the Legislature of the State of California for the purchase by the United States of certain Lands that have, or may hereafter be purchased by the United States, in California, and to vest the jurisdiction over the same in the United States for the purposes herein specified. Ryan.....	648	669	67
333	An Act to provide for the transfer of Civil Actions from the District Court of the Twelfth Judicial District of the State of California, in and for the City and County of San Francisco, to the District Court of the Fourth Judicial District, for trial. Sharp.....	648		

## SENATE BILLS.

Number.....	TITLE.	Introduced....	Passed Senate	Passed Assembly.....
334	An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco. Merritt..			
335	An Act to appropriate Money to pay the Geological Survey of the State of California. Gallagher.....	649		
336	An Act for the Relief of Sureties upon the recognizance of Mike Freel, of the County of Sierra. Thornton.....	651	709	774
337	An Act to provide for the payment of Costs incurred and paid by Placer County in the Trial of H. Bates, late State Treasurer. Committee on Claims.....	658	679	
338	An Act making an Appropriation for the payment of D. J. Snyder, for services rendered by him. Clark.....	663		
339	An Act to provide for the payment of certain Claims. Committee on Claims.....	658	769	
340	An Act to authorize W. T. Wallace to sell certain Real Estate of his Infant Children. De la Guerra.....	662	736	748
341	An Act to provide for the purchase of a Statue from Hiram Powers. Thornton.....	663	799	
342	An Act to provide for the Boundary Line between the State of California and Nevada Territory. Watson.....			
343	An Act to regulate the Fees of certain Officers in Calaveras County. Gallagher.....	664	675	844
344	An Act to authorize the Board of Supervisors of the City and County of San Francisco to relinquish and grant all the right and claim of said City and County to certain Lands. Burbank .....	664	669	
345	An Act to declare the time when a certain Act shall take effect. Clark.....	668	669	678
346	An Act to provide for the painting of a Picture for the State of California. Merritt.....	666		
347	An Act to provide for the construction of a Wharf in the City and County of San Francisco. Watson.....	669		
348	An Act to provide for the construction of a Wharf in the City and County of San Francisco. Watson.....	669		
349	An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court-House. Rhodes .....	673	673	730
350	An Act to amend an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight. De la Guerra.....	673	673	797
351	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims. Rhodes.....	676		
352	An Act to grant Guillermo Carrillo and his Assigns, the right to supply the inhabitants of the Town of Santa Barbara with Fresh Water. De la Guerra.....	674	674	712
353	An Act to audit and allow the Claim of the late Terence Foley. Committee on Claims.....	676		

## SENATE BILLS.

Number.....	TITLE.	Introduced....	Passed Senate	Passed Assembly
354	An Act granting certain Parties the right to lay a Railroad Track through certain Streets in the City of Sacramento. Clark.....	681	681	1
355	An Act to grant the Right of Way to construct a Toll-Bridge across Bear River at a point therein named. Leet.....			
356	An Act to provide for the construction of a Railroad in the County of Contra Costa. Warmcastle.....	686	686	
357	An Act authorizing Joseph Galloway to build a Wharf at San Francisco. Phelps.....	686		
358	An Act to amend an Act entitled An Act to provide Revenue for the Support of the Government of this State. Shafter.....	686		
359	An Act to grant the Right of Way to the City and County of Sacramento for the purpose of Drainage from the City of Sacramento. Clark.....	692	692	3
360	An Act amendatory of the Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-nine, eighteen hundred and fifty-one. Thornton.....	686	732	8
361	An Act to quiet Land Titles in the City and County of San Francisco. Sharp.....	692		
362	An Act amendatory of and supplementary to An Act relating to the Payment of Stewards of the San Francisco Fire Department. Sharp.....	692	701	3
363	An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa. Warmcastle.....	694	694	11
364	An Act providing for the publication and reference to the Legislature of the State of California for the year eighteen hundred and sixty-two, of the Amendments to the Constitution proposed by the Legislature of the year eighteen hundred and sixty-one. Judiciary Committee.....	699	833	25
365	An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara. Rhodes.....	707	771	21
366	An Act amendatory of an Act entitled An Act to reimburse Mary B. Russell certain Moneys expended by the Sisters of Mercy for the Burial of the Dead, approved April fifteenth, eighteen hundred and sixty-one. Sharp.....	701		
367	An Act to authorize the Board of Supervisors of Tuolumne County to transfer certain Funds. Williamson.....	708	706	19
368	An Act to amend an Act entitled An Act to establish, maintain, and support, Common Schools, and to repeal former Acts concerning the same, approved May fifth, eighteen hundred and fifty-five. Williamson.....	707	735	
369	An Act for the relief of the Heirs of Abraham Le Decurr, deceased. Edgerton.....	709		
370	An Act to grant to the San Francisco Market Street Railway Company the right to continue their Railway Track upon certain Streets within the City of San Francisco. Merritt.....	709	723	
371	An Act supplemental to an Act entitled An Act granting to William Fitzpatrick, and his Associates, the right to construct a Railway in Contra Costa County. Ryan.....	709	709	19

## ATE BILLS.

	TITLE.	Introduced....	Passed Senate	Passed Assembly.....
	An Act amendatory of, and supplementary to, an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine. Parks.....	715	715	747
	An Act to provide for the Printing of Report of the State Agricultural Society. Phelps.....	723	723	812
	An Act supplemental to an Act entitled An Act to prohibit Lotteries, Raffles, Gift Entertainments, and other schemes of like character, approved April twenty-fourth, eighteen hundred and sixty-one. Merritt.....	728		
	An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the grade of certain Streets. Phelps.....	728	728	765
6	An Act to authorize Thomas Dowling to construct a Wharf at Goat Island. Sharp.....	728		
7	An Act to authorize the Board of Examiners to pay over certain Moneys. Parks.....	736	736	806
8	An Act to legalize the levy of certain Taxes in the County of Tehama, for the year eighteen hundred and sixty-one. Logan.....	736	736	774, 870
7	An Act to divide the State into Congressional Election Districts. Logan.....	736		
9	An Act to pay J. C. Potter, former under-Sheriff of El Dorado County, for services rendered the State. Dickinson.....	736		
1	An Act to provide for the appointment of an Assayer. Watson...	753	753	
2	An Act authorizing Abner H. Barker, Nathan E. Paddock, S. C. Biglow, and M. A. Bradley, to lay down Gas-Pipes in San Francisco. Burbank.....	740	811	839
13	An Act to pay Counsel for the prosecution of certain Persons for the Murder of A. A. King. Sharp.....	754		
34	An Act supplemental to an Act entitled An Act to regulate Fees in Office in certain Counties in this State. Logan.....	753	753	788
35	An Act to appropriate Money for the purchase of Property for the use of the State Insane Asylum. Franklin.....	753	794	861
86	An Act authorizing the settlement of certain Claims against the estate of Cesario Latillaide, late of Santa Barbara County. De la Guerra.....	753	753	834
87	An Act to authorize and provide for the erection of additional Buildings at the State Prison. Hill.....	757	871	881
188	An Act to authorize the sale of the Estate of the late Maria Smith, deceased. Watt.....	762	762	849
189	An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax and create a Redemption Fund, for the payment of County Indebtedness. Logan.....	766	766	834
390	An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and sixty-one. Vance...	767	767, 773	806
391	An Act to authorize John Reed, Guardian of the Infant Heirs of			

## SENATE BILLS.

Number.....	TITLE.	Introduced....	Passed Senate	
	Jos. Pardee, to sell certain Real Estate in Sacramento County. Pico .....	773		9
392	An Act to repeal an Act approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide a Commission to co-operate with one appointed on behalf of the United States Government, to ascertain and mark the Eastern Boundary Line of this State. Clark .....	781		11
393	An Act making an Appropriation for Deficiencies made for the Twelfth Fiscal Year, ending June thirty, eighteen hundred and sixty-one. Clark .....	781	781	11
394	An Act amendatory of an Act entitled An Act to repeal an Act passed March twentieth-sixth, eighteen hundred and fifth-one, entitled An Act to incorporate the City of Sacramento and the County of Sacramento. Heacock .....	781	781	11
395	An Act to submit to the Voters of San Mateo County the right to change the County Seat. Irwin .....	791	791	11
396	An Act in relation to the Commission appointed on behalf of the State to run and mark the Eastern Boundary Line of the State of California. Clark .....	786	787	11
397	An Act to exempt certain Property from Taxation. Burbank .....	799	799	
398	An Act to amend an Act appropriating Money for the payment of Copying of the Legislature during the Twelfth Session. Denver .....	799	799	15
398 1	An Act to amend an Act entitled An Act to amend An Act concerning Notaries Public, approved April thirteenth, eighteen hundred and fifty-seven, approved March sixteenth, eighteen hundred and fifty-nine. Phelps .....	846	846	11
399	An Act to audit and allow the Claim of John Vallentine. Rhodes .....	790	811	
400	An Act supplementary to an Act entitled An Act submitting to the qualified Electors of San Mateo County at the next General Election the question of the Removal of the County Seat of said County. Phelps .....	807	845	
401	An Act concerning an Act entitled An Act to change the Venue in the case of Horace Smith, which became a law March twenty-one, eighteen hundred and sixty-one. Leet .....	807	813	15
402	An Act to provide for the payment of certain Outstanding Indebtedness of Sierra County. Thornton .....	807	807	15
408	An Act to give effect to An Act to audit and allow the Claim of G. D. Bliss & Co. Heacock .....	807		
404	An Act amendatory of An Act granting to Thomas Harrigan and his Assigns, the right to construct and lay a Railroad Track along a certain Road in the City and County of Sacramento. Clark .....	813	813	15
405	An Act conferring additional powers upon the Board of Supervisors of the City and County of San Francisco. Shafter .....	813	813	15
406	An Act for the relief of Jerome Madden. Heacock .....	813	813	15
407	An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteen, eighteen hundred and fifty. Warmcastle .....	813	835	15
408	An Act to audit and allow the Claim of W. S. Botta. Thornton .....	813	813	15



## THE BILLS.

TITLE.	Introduced.....	Passed Senate	Passed Assembly.....
An Act entitled An Act to release M. Fennell from the Contract for building the State Capitol. Clark.....	824	838	861
An Act to appropriate Money to pay the Claim of the Sacramento Gas Company. Committee on Claims.....	823	824	840
An Act granting the Right of Way over certain Lands in this State. Phelps .....	837	867	860
An Act to amend an Act entitled An Act amendatory of an Act entitled An Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, to incorporate the City of Sacramento. Heacock .....	837	837	861
An Act to provide for the defense of the Title of the State to Property in front of the City of San Francisco, and within the Corporate Limits thereof. Phelps.....	838	838	861
An Act to further define the Senatorial and Assembly Districts of this State, and to apportion the Representation thereof. Warmcastle .....	842	842	863
An Act defining the powers of the Board of Trustees of the State Reform School, and the Managers of the Industrial School Department of San Francisco. De Long.....	848	848	861
An Act to provide for the appointment of an Assayer of Ores and Metals for the County of Mono. Watson.....	848	848	869

## SENATE CONCURRENT RESOLUTIONS.

## SENATE CONCURRENT RESOLUTIONS.

	TITLE.	Introduced.....
1	Relative to appointing a Fireman. Phelps.....	27
2	Relative to attending to the necessary work at the rear of the Capitol. Clark.....	28
3	Relative to the Unhappy Events which are occurring in these United States. De Long.....	27
4	Relative to the State of the Union. Burbank.....	74
5	Relative to the State of the Union on Coercion. Watson.....	75
6	Relative to the establishment of Mail-Routes in the Counties of Trinity and Del Norte. Haynes.....	80
7	Relative to the State of the Union. Phelps.....	82
8	Relative to a Joint Convention. Watkins.....	102

## SENATE CONCURRENT RESOLUTIONS.

Number.....	TITLE.	
9	Relative to the State of the Union. Shafter.....	1
10	Relative to the Translation of the Laws into Spanish. Irwin.....	1
11	Relative to adjourning <i>sine die</i> . Sharp.....	1
12	Relative to State Prison Visiting Committee. Vance.....	1
13	Relative to Boundary Survey. Dickinson.....	1
14	Relative to the State of the Union. Chase.....	1
15	Relative to the Election of United States Senator. Ryan.....	1
16	Relative to a Joint Convention. Gallagher.....	1
17	Relative to a Joint Convention.....	
18	Relative to Leave of Absence to W. C. Kibbe. Ryan.....	1
19	Relative to the State Geologist. Gallagher.....	1
21	Relative to an Adjournment. Warmcastle.....	1
22	Relative to a Joint Convention.....	
23	Relative to a Joint Convention. Gallagher.....	1
24	Relative to a Branch Library for Knight's Ferry. Williamson.....	1
25	Relative to adjourning <i>sine die</i> . De Long.....	
26	Relative to a Joint Convention to elect United States Senator. Clark.....	1
27	Relative to Boundary Commissioner. De Long.....	1
28	Relative to granting Leave of Absence to Thomas A. Brown, County Judge of Contra Costa County, for four months. Warmcastle.....	1
29	Relative to a Joint Convention for United States Senator. Burbank.....	1
30	Relative to adjourning <i>sine die</i> . Vance.....	1

# INDEX TO ASSEMBLY BILLS.

## ASSEMBLY BILLS.

TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
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An Act to extend the time for the collection of Taxes in the County of San Luis Obispo. Johnson .....	133	133	147
An Act supplemental to an Act entitled An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine. Holman .....	133	150	198
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An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco. Tilton .....	137	661	746
An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claim of George H. Hossefross. Tilton .....	137	794	833
An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, An Act to repeal the several Charters of the City and County of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six, approved April, eighteen hundred and fifty-seven. Tilton .....	137	184	
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Number.....	TITLE.	Introduced.....	Passed Assembly- by.....	Passed Senate
11	An Act to repeal certain Acts creating Inspectors of Pork, Beef, and Salt Provisions, in this State. Crocker.....	143		
12	An Act concerning the Offices of Auditor, County Treasurer, and Tax Collector, of the City and County of San Francisco. Flanders.....	143	836	85
13	An Act making Certificates of Purchase, or of Location, evidence of Title. Laspeyre.....	142		
14	An Act to repeal an Act entitled An Act supplementary to, and amendatory of, an Act entitled An Act making Certificates of Purchase, or of Location, evidence of Title, approved April thirteenth, eighteen hundred and fifty-nine. Laspeyre.....	143	188	
15	An Act to confer further powers upon the Board of Supervisors of San Joaquin County. Laspeyre .....	143		15
16	An Act to amend an Act entitled An Act to prohibit the burning of Bricks, within certain limits, in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty. Cherry .....	143	214	25
17	An Act to authorize the Courts of Record of this State to admit Joseph Rodriguez Brandon as an Attorney and Counselor-at-Law. Tittel.....	143	188	2
18	An Act to grant the right to construct and maintain a Turnpike Road through Russian River Cañon, to certain parties. Ross....	143		
19	An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight. Powell.....	149		
20	An Act to amend an Act approved eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplemental thereto, and to Incorporate the City and County of Sacramento. Powell .....	149	635	715, 1
21	An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and sixty-one. Holman.....	150	249	
22	An Act to provide for Funding so much of the Indebtedness of Yuba County as was created and received on account of the County Hospital of said County, prior to October first, A. D. eighteen hundred and sixty. Magruder.....	149	151	1
23	An Act to provide for the Reclamation of the Swamp and Overflowed Lands of this State. Curtis .....	149		
24	An Act to amend an Act approved May eighteenth, eighteen hundred and fifty-three, amendatory of, and supplemental to, the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State. Campbell.....	149	210	
25	An Act to amend an Act entitled An Act defining the time for commencing Civil Actions. Walter.....	149		
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An Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale. Anyx.....	149	171	198
An Act amendatory of An Act supplementary to An Act for securing Liens to Mechanics and others, approved March eighteenth, eighteen hundred and fifty-seven. Lalor .....	153	781	893
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An Act to authorize County Judges to hold Terms of the County Courts, Courts of Sessions, and Probate Courts, in other Counties than their own. Magruder .....	153	667	741
An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain Parties therein named. Baechtel.	153	306	820
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An Act to provide for the collection of Delinquent Taxes in the County of Butte. Harris.....	176	176	290
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An Act to extend the time for collecting Taxes in the County of Sonoma. Ross.....	176	176	199

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45	An Act to provide for the Collection of Delinquent Taxes in the County of Nevada. Eastman.....	176	21
46	An Act to provide Compensation for certain Legal Services. Banks.	176	
47	An Act concerning the Superintendent of Immigration. Crocker.	176	43
48	An Act to extend An Act concerning Hogs running at large in the Counties of Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, and made applicable to the Counties of Sonoma, Monterey, and Solano, approved April twenty-first, eighteen hundred and fifty-six. Holman.....	178	
49	An Act to change the name of Brazos del Rio, in the County of Solano, to the name of Rio Vista. Holman.....	178	175
50	An Act amendatory of an Act entitled An Act defining Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight. Piercy.....	178	216
51	An Act to prevent the Amalgamation of the different races of men in this State. Hill.....	181	73
52	An Act to change the name of Nelly H. Peters to Nelly H. Toomes. Durst .....	181	186
53	An Act to repeal an Act entitled An Act to prohibit the Collection for Liquors sold at Retail. Walter.....	181	73
54	An Act to provide for the Reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress. Adams .....	181	67
55	An Act for the relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento. Curtis.....	186	243
56	An Act to provide for a Railroad within the City and County of San Francisco. Campbell.....	186	404
57	An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse-Cars thereon. Tilton.....	186	404
58	An Act to fix the Compensation of the County Judge of Calaveras County. Lippincott .....	186	136
59	An Act to amend an Act entitled An Act to authorize the Treasurer of State to issue Bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties in this State. White.....	186	791
60	An Act concerning Roads and Highways in the County of Nevada.	188	
61	An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty. Scott.....	188	249
62	An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in County of Mendocino, Ross .....	187	214

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Number.....	T I T L E .	Introduced....	Passed Assem- bly.....	Passed Senate
63	An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco. Campbell.	188		
64	An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth eighteen hundred and fifty-one. Fargo.....	188	428	590
65	An Act to extend the time for collecting Taxes in the County of Colusa. Durst.....	192	192	199
66	An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads in certain Counties therein mentioned. Briggs.....	192	699	789
67	An Act to exempt from Taxation the Property therein named. Hill.....	192		
68	An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their Duties, approved May third, eighteen hundred and fifty-two. Kurtz....	192	810	664
69	An Act to repeal an Act herein named. Crocker.....	192	249	808
70	An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three. Munday.....	192	262	290
71	An Act to make certain Offices in the County of Tuolumne salaried Offices. Patrick.....	192	202	229
72	An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming, the Outstanding County Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the Current Expenses of said Tuolumne County in Cash. Amyx.....	196	197	229
73	An Act to extend the time to the City of Petaluma, or Assigns, to improve the Navigation of Petaluma Creek. Ross....	196	249	281
74	An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the Location and Sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved February third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine. Conness.....	200	893	717
75	An Act amendatory of An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State. Smith of Tulare	201		
76	An Act to change the Name of Sullivan Milton Farrer to Sullivan Milton Farren. Conness.....	200	810	756
77	An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County. O'Brien.....	201	249	
78	An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourteenth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County. Smith of Tulare.....	201	249	284
79	An Act to amend an Act entitled An Act relating to the Thirteenth			

## ASSEMBLY BILLS.

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60	An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Smith of Placer.....	201	594	
61	An Act to legalize a Survey of the City of Petaluma. Ross.....	201	201	23
62	An Act to authorize the Sale of certain Real Estate by Guardians. Ross .....	201	317	35
63	An Act declaring the Salinas River navigable. Blair.....	202	202	28
64	An Act to provide for the recordation of a certain Deed, and to make the same Notice and Evidence. Morrison .....	201	249	59
65	An Act to provide for the construction of a Bridge in the City of Nevada. Spence .....	201	312	45
66	An Act to amend an Act entitled An Act concerning the Office of Reporter, passed April thirteenth, eighteen hundred and fifty, and other Acts amendatory thereto. Kungle.....	201	249	
67	An Act extending the time for the completion of a Contract made under an Act entitled An Act to provide for the opening of a Channel across the Bar at the mouth of San Antonio Creek, passed April tenth, eighteen hundred and sixty. Fargo.....	201	201	23
68	An Act to extend the time for the collection of Taxes in Santa Cruz County .....	202	202	26
69	An Act to regulate Fees in Office, in the County of Los Angeles....	201	248	51
90	An Act to authorize the Executrix and Executor of the Estate of Frederick P. Tracy, deceased, to sell Real Estate of said Deceased at Public, or Private, Sale. Judiciary Committee .....		202	261
91	An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of Main Street, in said City and County. Cherry.....	204	206	29
92	An Act to confer further Powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned. Tilton.....	204	635	76
93	An Act concerning Lawful Fences in the County of Solano. Holman .....	205		
94	An Act to change the Name of Moses Moses to Moses Meyer. Tittel.....	206	310	43
95	An Act to provide for the better maintenance of the Indigent Sick in the County of Nevada. Eastman.....	209	249	284
96	An Act to prohibit Lotteries and Gift Enterprises in this State. Powell .....	209		
97	An Act to provide for the payment of the Fees of Jurors in the County of Sonoma. Ross.....	209	430	
98	An Act to authorize the Administrators of the Estate of L. W. Boggs, deceased, to sell and convey Real Estate. Scott.....	209	206	353



## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
99	An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas. Wood, of Plumas.....	212	243	253
100	An Act authorizing and empowering Juana M. Estudillo to sell and convey the Interest in certain Real Estate of her Infant Children. Fargo .....	212	311	591
101	An Act to amend An Act defining the Duties of State Librarian. Powell .....	212		
102	An Act to authorize the Guardian of John H. M. Towdsend, a Minor, to sell Real Estate of said Minor. Campbell.....	212	791	826
103	An Act concerning the Office of County Recorder, in the County of Solano. Holman .....	212	311	757
104	An Act to amend Section Forty-Seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty. Baechtel.....	212	779	893
105	An Act to extend the provisions of An Act to extend the Terms of Offices of the Board of Supervisors of certain Counties of this State, and to fix the Compensation of the Board of Supervisors of Mendocino County. Baechtel.....	212	779	820
106	An Act concerning the County Judge of Klamath County. Buell..	212	212	706
107	An Act to amend An Act concerning the Organization of the Militia, approved April twenty-fifth, eighteen hundred and fifty-five. Kurtz .....	212		
108	An Act to amend an Act entitled An Act concerning Marks and Brands, approved May first, eighteen hundred and fifty-one. Ross.	212	502, 676	
109	An Act to provide for the issuing of Licenses to Hotel and Tavern Brokers in the City of San Francisco. Willey.....	212		
110	An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento and to use and maintain the same .....	212		636
111	An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou. Hagans.....	219	599	729
112	An Act to legalize the Assessment-Roll and extend the time for the collection of Taxes in the County of Los Angeles. Morrison....	219	245	636
113	An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Hagans.....	219		
114	An Act amendatory of, and supplementary to, the Act defining the rights of Husband and Wife. Morrison.....	219		
115	An Act to authorize the Trustees of Petaluma School District to Levy a Tax for certain purposes therein named. Ross.....	219		
116	An Act in relation to the Militia of the State. Tittel.....	220	725	776
117	An Act for the relief of Horace Killham. Horrell.....	231		
118	An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, An Act to support, establish, and regulate, Common Schools, and to amend the Fourth Clause of Section			

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119	An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco. Banks..	230	
120	An Act to authorize the County of Marin to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said County for the year eighteen hundred and sixty-one and for the year eighteen hundred and sixty-two, to be applied for Road purposes in said County. Gordon.....	230	
121	An Act to authorize the citizens of Colusa County to construct Canals and Ditches for Agricultural purposes. Durst.....	230	
122	An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of Saint Paul in the County of Monterey. Blair.....	230	49
123	An Act to create the County of Alturas. Dougherty.....	230	
124	An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco. Willey.....	231	
125	An Act concerning Officers of the County of Los Angeles. Morrison .....	230	75
126	An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named. Ross.....	230	238
127	An Act to authorize James Camp and James M. Fry to remove certain Remains. Buell.....	237	274
128	An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Crocker.....	236	586
129	An Act making Appropriations for the payment of the Per Diem and Mileage of Presidential Electors. Harriman.....	236	
130	An Act authorizing James P. Sargent, Guardian of Pollicarpha Chabolla, a Minor, to Sell at Private Sale the Lands and Real Estate of said Minor. Blair .....	236	439
131	An Act concerning Wild Animals in the County of Marin. Gordon	236	306
132	An Act to provide for the publication of the General Laws of the State in force at the expiration of the Thirteenth Session of the Legislature. Ross.....	236	
133	An Act to amend Article Seven Hundred and Seventeen, Section One Hundred and Seven, of the General Act in reference to the Courts of Justice. Briggs.....	236	
134	An Act to repeal an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to create Inspectors of Beef, Pork, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred fifty-six, approved March twenty-second, eighteen hundred and sixty, and amendatory of an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, passed April twenty-first, eighteen hundred and fifty-six. Banks.....	236	

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Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
135	An Act to amend an Act entitled An Act to provide for the Appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two. Banks.....	236	428	
136	An Act for the relief of John Bell, for services rendered in the Humboldt and Klamath Indian War. Hagans .....	240	732	747
137	An Act to pay the Claim of B. F. Hastings. Curtis.....	240	636	819
138	An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four. Fargo.....	243	686	757
139	An Act to provide for the collection of Delinquent Taxes in the City of Oakland. Fargo.....	243	701	757
140	An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization. Gillette.....	243		
141	An Act concerning the Offices of County Recorder and County Auditor in the County of Napa. Scott.....	243	311	
142	An Act to provide for a Convention to Revise and Change the Constitution of this State. Kungle.....	243		
143	An Act to enable a Minor therein named, to convey certain Property. Fargo .....	243		
144	An Act prescribing a certain duty of the Auditor of the City and County of Sacramento. Crocker.....	243	594	757
145	An Act to amend the Criminal Practice Act. Kurtz.....	243		
146	An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the Expenses of Surveying the Harbor of San Francisco. Banks.....	246	420	664
147	An Act to define and punish Adultery, Seduction, and Fornication, Briggs.....	247		
148	An Act to amend Section Three of An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine. Baechtel.....	248	312	663
149	An Act to define the duties and liabilities of Pawnbrokers and Pledgees. Cherry .....	248	311	673
150	An Act to amend an Act concerning forcible entries and unlawful detainers. Ross .....	248		
151	An Act concerning Agricultural Societies. Bradley.....	248	248	273
152	An Act concerning Mining Companies in this State. Councilman.	248	310	
153	An Act enabling poor persons to sue without paying costs. Horrell.....			
154	An Act to amend an Act entitled An Act fixing the time of holding the Courts of Sessions and County Court in the County of Shasta, and to change the manner of summoning Juries for the County			

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate
	Court of said County, approved March eighteenth, eighteen hundred and fifty-nine. White.....	251	305	31
155	An Act to appropriate Money to pay for services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State. Holman.....	251	311	63
156	An Act amendatory of, and supplementary to, an Act entitled An Act supplementary to An Act to provide for Funding the Outstanding Debt of the City of Oakland and to prevent the creation of new Debts by said City. Fargo.....	251	439	51
157	An Act to provide for Street Railroads within the City and County of San Francisco. Flanders.....	251	486	66
158	An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other Schemes of like character. Banks.....	251	311	65
159	An Act to amend an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty. Haun.....	251		
160	An Act to amend an Act entitled An Act to amend An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine. Smith of Tulare.....	251	603	37
161	An Act to amend An Act for the Government of the State Prison Convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight. Gordon.....	262		
162	An Act conferring further and additional powers upon the Board of Supervisors of the County of Monterey. Blair.....	261		
163	An Act to amend section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty. Magruder.....	262	306	45
164	An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes. Ross.....	262	502	75
165	An Act to protect Sheep and Lambs in this State. Gordon.....	262	810	54
166	An Act to locate the County Seat of Yolo County. Wood of Yolo.	261	305	35
167	An Act to provide for a Railroad within the City and County of San Francisco. Campbell.....	266		
168	An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven. Gregory.....	266	426	56
169	An Act fixing the Salary and Fees of the District Attorney of San Bernardino County. Piercy.....	267	267	41
170	An Act making Warrants drawn on the General Fund of Mendocino County, a Legal Tender for County Taxes in said County. Baechtel.....	266	373	57
171	An Act for the relief of Marin County. Gordon.....	266	429	68

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate
172	An Act to abolish the Office of Coroner in the County of Tuolumne. Chandler.....	266		
173	An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a Special Tax for Building Purposes, and to levy an additional Tax for County purposes in said County. Wood of Plumas.....	266	373	591
174	An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Powell.....	266	759	
175	An Act to provide for the Survey and Segregation of the Swamp and Overflowed Lands donated to the State, under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their Limits. Wood of Yolo.....	266	660	
176	An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five. Burnell.....	272	428	428
177	An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children. Tilden.....	272	667	686
178	An Act to authorize the County Auditor of the Counties of San Luis Obispo and Tulare to issue certain Bonds to provide for the construction of a Road herein named. Johnson.....	272	490	664
179	An Act fixing the Salary of the County Judge of San Bernardino County. Piercy.....	272	608	706
180	An Act to extend the Term of Office, and define the Duties and Powers in certain cases, and establish the Salaries, of the Board of Supervisors of San Bernardino County. Piercy.....	272	502	664
181	An Act to amend an Act entitled An Act amendatory of an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven, approved April twelfth, eighteen hundred and fifty-nine. Ross.....	272		664
182	An Act amendatory of an Act entitled An Act to extend the provisions of an Act entitled An Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six. Foster.....	272		
183	An Act to provide for the collection of Delinquent Taxes in the County of Calaveras. Lippincott.....	272	308	424
184	An Act to Fund the Indebtedness of the County of Los Angeles, now existing in the form of County Auditor's Warrants, or that may be outstanding, on the first day of July, A. D. eighteen hundred and sixty-one, or Warrants issued for Indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the Payment of the same. Stearns.....	272	312	591
185	An Act to authorize the Board of Supervisors of Shasta County to levy a Special Tax for Building purposes. White.....	272		
186	An Act amendatory of, and supplemental to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Burnell.....	272	269	315

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate.....
187	An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty. Tittel.....	278	594	88
188	An Act to amend Section Fifty-Nine of an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Blair....	278		
189	An Act supplemental to an Act entitled An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five. Fargo.....	279		
190	An Act to repeal Section Three of An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the Incorporation of the City of Yreka, approved April twentieth, eighteen hundred and fifty-seven, approved April twenty-eighth, eighteen hundred and sixty. Sorrel.....	278		
191	An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Adams.....	279		
192	An Act to provide for the annulling of Certificates of Purchase of Lands sold on a credit and declared forfeited for the non-payment of Interest, or Principal. Conness.....	278	533	88
193	An Act to provide for the reclamation of the Swamp and Overflowed Lands donated the State of California by Act of Congress. Bradley.....	278		
194	An Act to allow the Claim of Daniel McLaren. Morrison.....	283	653	
195	An Act to define the Boundaries of the County of Amador. Horrell.....	283		
196	An Act concerning Roads and Highways in the County of Sacramento. Powell.....	283	737	89
197	An Act to pay for the Survey of the Boundary Line between the Counties of Stanislaus and San Joaquin. Laspeyre.....	283		
198	An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty. Sorrell.....	283	307	
199	An Act to fix the location of Brady Street, in the City of San Francisco. Banks .....	283	429	77
200	An Act to confer further Powers upon the Board of Supervisors of the City and County of San Francisco. Flanders.....	283	268	89
201	An Act concerning Roads and Highways in certain Counties in this State. Ross .....	283	603	78
202	An Act to repeal An Act restricting the Herding of Sheep in certain Pastures in the Counties of Sonoma and Marin, and the Acts amendatory thereof. Gordon.....	283	797	85
203	An Act amendatory of An Act to provide for the opening of a Channel across the Bar at the mouth of San Antonio Creek, approved April tenth, eighteen hundred and sixty. Fargo.....	282		
204	An Act to amend an Act entitled An Act concerning certified Copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-seven. Stearns.....	301		

## EMBLY BILLS.

	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
5	An Act regulating the Fees of Associate Justices of the Court of Sessions and Jurors of Tuolumne County. Amyx.....	301	504	591
6	An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail. Walter.....	300	311	401
7	An Act for the permanent location of the County Seat of Stanislaus County. Bradley.....	301		
8	An Act to authorize Isaac Williams, as Guardian of Jonathan P. Williams and Isaac B. Williams, to sell and convey a portion of their Real Estate at private sale. Ford.....	301	781	853
9	An Act to authorize Charles A. Keyser, Administrator of the Estate of R. B. Sherrard, deceased, to sell and convey Real Property at private sale. Montgomery.....	300	331	401
10	An Act to authorize the Guardian of George Horton and Marshall Horton to sell certain of their Real Estate at private sale. Smith of Tulare.....	301		853
11	An Act to repeal an Act entitled An Act to authorize Married Women to transact Business in their own Name as Sole Traders, passed April twelfth, eighteen hundred and fifty-two. Blair.....	300		
12	An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same and other matters relating thereto. Briggs.....	301	583	594
13	An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of the Contra Costa County Agricultural Society. Porter.....	304	312	423
14	An Act to grant the right to construct a Bridge across the Colorado River, at, or near, Fort Yuma, to certain parties therein named. Kurtz.....	307	667	756
15	An Act to audit and allow the Claim of J. S. Walte. Piercy.....	304		
16	An Act to grant the Right of Way to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and to run Cars thereon. Gillette.....	303		
17	An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County. Piercy.....	304	737	758
18	An Act to repeal so much of an Act entitled An Act supplemental to An Act for the Protection of Game, passed May thirteenth, eighteen hundred and fifty-three, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty. Johnson.....	307	313	423
19	An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy. Morrison.....	304	756	826
20	An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento. Adams.....	304	596	664
21	An Act concerning Prosecutions in certain Cases. Lippincott....	304		
22	An Act to provide for the construction of a Wagon Road, commencing at Antelope Springs in Amador County, and running			

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Present Session
	thence, by the most practicable route, to Hope Valley on the Eastern Slope of the Sierra Nevada Mountains. Horrell.....	304	306	
223	An Act to separate the Office of County Recorder from the Office of County Clerk, in the County of Solano. Judiciary Committee.			1
224	An Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the Payment of the same, and other matters relating thereto. Denniston .....	303	263	2
225	An Act concerning Roads and Highways in the County of Butte. Harris .....	304	602	2
226	An Act supplementary to an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento. Curtis.....	304	676	2
227	An Act making an Appropriation for the payment of M. F. Game for Services rendered by him in the Office of the Superintendent of Public Instruction. Sorrel.....	304		
228	An Act to prescribe the number and pay of Attachés of the Legislature and the per diem of the Members. Hagans.....	304	659	
229	An Act for the relief of James McCauley, Assessor of Yolo County. Wood of Yolo.....	304	635	2
230	An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino. Piercy.....	310	400	2
231	An Act for the payment of the Claims of I. & S. Wormser, Assignees. Committee on Claims .....		317	2
232	An Act to amend an Act entitled An Act to provide for the construction of a Railroad from a point on Petaluma Creek to the City of Petaluma, and for the right of way for the same. Harris.	312	635	2
233	An Act for the relief of J. O. Wood. Walters.....	310		
234	An Act to fund the Debt of the County of Solano and provide for the payment of the same. Holman.....	310	505	2
235	An Act to authorize the removal of Human Remains in Stanislaus County. Walden.....	310	310	2
236	An Act to authorize the Board of Supervisors of San Diego County to levy a Special Tax for County Jail Purposes. Kurtz .....	318	505	
237	An Act to extend the provisions of An Act entitled An Act concerning Hogs running at large in certain Counties, passed April twenty-first, eighteen hundred and fifty-six, and to make the same applicable to the County of Monterey. Blair.....	316		
238	An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax and to provide for building a Bridge in said County. Childs .....	316	372	2
239	An Act to provide for the appointment of Commissioners in Equity. Campbell.....	321	607	2



## EMBLY BILLS.

TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
An Act supplementary and explanatory of the First Section of An Act to provide a Fund for the redemption of and prescribing the manner of reducing the Outstanding Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the Current Expenses of said County in Cash, approved February twenty-second, eighteen hundred and sixty-one. Amyx.....	323	430	591
An Act to authorize Michael O'Brien to construct a Wharf at the foot of Green Street, in the City and County of San Francisco. Curtis .....	321		
An Act to amend an Act entitled An Act for the Government and Protection of Indians, passed April twenty-second, eighteen hundred and fifty. Morrison .....	321		
An Act to provide for the appointment and compensation of Counsel for the Defense in Criminal Cases. Ross.....	321		
An Act to amend An Act to Fund the Debt of the County of Sonoma, and to provide for the Payment of the same, approved April twentieth, eighteen hundred and sixty. Ross.....	321	439	673
An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight. Morrison .....	321	608	729
An Act to amend an Act supplementary to An Act concerning the Courts of Justice of this State and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three. Lippincott.....	323	692, 778	893
An Act to amend an Act entitled An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six. Campbell.....	321	674	893
An Act to amend an Act entitled An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the years eighteen hundred and fifty-nine and eighteen hundred and sixty, and to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April eighteenth, eighteen hundred and fifty-nine. Hagans.....	321		
An Act to change the name of Heinrich Wilhelm Steghagen to Henry Hagen. Fargo.....	326	780	756
An Act supplementary to an Act approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight.....	325	763	833
An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco. Flanders.....	326	673	
An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned. Tilton.....	325	741	741
An Act granting to certain parties the right to construct a macada-			

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate.....
	mized Road within the City and County of San Francisco. Tilton.....	325	661	76
264	An Act to amend an Act entitled An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States, approved April twenty-seventh, eighteen hundred and sixty. White.....	325	723	76
265	An Act in relation to the Militia of the State. Wood of Plumas....	325		
266	An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts. Kurtz.....	326	667	77
267	An Act for the regulating and licensing of Steam Tugs in the Harbor of San Francisco. Cherry.....	326		
268	An Act to grant the right to construct a Bridge across the American River to certain parties. Curtis.....	326	506	80
269	An Act in relation to the Common Pound in the City and County of San Francisco. Flanders.....	326	667	82
270	An Act to Incorporate the City of Santa Clara and to repeal certain Acts. Briggs.....	326	602	77
271	An Act to amend an Act entitled An Act for the Protection of Game, passed May thirteenth, eighteen hundred and fifty-four. Morrison	326	506	80
272	An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa. Porter.....	370	426	50
273	An Act to exempt certain Property from Taxation. Fargo.....	376		
274	An Act to amend an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight. Powell .....	376	506	76
275	An Act to amend an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight. Powell.....	376	602	77
276	An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain Limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty. Cherry.....	377	535	504
277	An Act concerning Roads and Highways in the County of Klamath. Buell.....	377	594	608
278	An Act to authorize the formation of Corporations to provide the Members thereof with Homesteads, or Lots of Land suitable for Homesteads. Cherry.....	376	811	808
279	An Act to reduce the Pay of Clerks employed in the several Offices of this State. Smith of Tulare.....	376		
270	An Act amending the Consolidation Act of San Francisco, and extending Supervisors' powers. Flanders .....	376	685	846

## SEMBLY BILL.

TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
An Act to regulate the Interest of Money. Kungle.....	376		
An Act to amend an Act entitled An Act amendatory of and supplemental to the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May eighteenth, eighteen hundred and fifty-three. Banks.....	377		
An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties. Smith of Tulare.....	376	651	706
An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam across, and in, Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine. Ross .....	376	00, 724	
An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Magruder .....	376	823	
An Act to Incorporate the Town of Hornitas. Gregory.....		474	600
An Act concerning Leases. Tittel.....	394		
An Act to authorize the Board of Supervisors of the County of Napa to levy a Tax for General Road Purposes and to repeal certain Acts relative thereto. Scott.....	398	408	820
An Act to change the name of, Henry Nathan to Henry Chester. Banks .....	398	730	758
An Act to repeal an Act entitled An Act to aid in the erection of the Washington Monument in the District of Columbia. Haun.	398		
An Act to provide for the Location and Establishment of Roads and Highways. Ross .....	398	699	739
An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May eleventh, eighteen hundred and fifty-four, and of all Acts amendatory thereof, approved April twenty-first, eighteen hundred and sixty. Campbell .....	398		
An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment. Holman.....	398	667	833
An Act to authorize J. C. Cisena to build a Wharf in the Bay of San Luis Obispo, and providing for the same. Johnson.....	399	750	853
An Act for the relief of Charles E. Curtis. Harris.....	397		
An Act concerning the collection of Taxes in the County of Butte. Harris .....	425		
An Act supplemental to An Act to provide for the formation of Corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three. Wood of Yolo.....	425		
An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of certain Streets in said City and County. Morrison.....	425		
An Act concerning the mode of serving Civil Process in the County of San Bernardino. Piercy.....	425	808	854

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
290	An Act to provide for the removing of Obstructions in the Mokelumne River, and to devise means for carrying the same into effect. Laspeyre.....	425		
291	An Act making the County Clerk of San Bernardino County ex officio County Superintendent of Public Instruction. Piercy....	425	608	1
292	An Act to prevent the Skinning of Dead Cattle in certain cases. Holman.....	425	769	
293	An Act to provide for the construction of a Gravel Road in the County of San Joaquin. Laspeyre.....	417	670	1
294	An Act to grant the right to construct a Turnpike Road between the Towns of Jackson and Ione City, in the County of Amador. Horrell.....	425	535	1
295	An Act in relation to Roads, Streets, and Highways, in the City and County of San Francisco. Flanders.....	425	896	1
296	An Act to define the Boundaries of Sutter County. Montgomery..	425		
297	An Act to Fund the Indebtedness of Calaveras County, contracted prior to the first day of November, eighteen hundred and fifty-eight, and to provide for the payment of the same. Childs.....	425	700	2
298	An Act making an appropriation for the Salary of the State Librarian, from the sixteenth day of March, to the thirtieth day of June, eighteen hundred and sixty-one. Munday.....	427	506	1
299	An Act supplementary and amendatory of, several Acts to establish an Asylum for the Insane of the State of California, approved May seventeenth, eighteen hundred and fifty-three, amended May first, eighteen hundred and fifty-four, amended April fifteenth, eighteen hundred and fifty-nine, amended April thirtieth, eighteen hundred and sixty. Amyx.....	427	644	1
300	An Act to change the name of Juan A. Suñiga to that of Alfred J. Hermosillo. Powell.....	427		1
301	An Act exempting Lots in Cemeteries, and Pews in Churches, from levy and forced sale. Banks.....	428	828	1
302	An Act to repeal so much of Section Seventeen of an Act entitled An Act concerning Estray Animals, passed April nineteenth, eighteen hundred and fifty-six, as relates to the County of Monterey, and to make said Act applicable to said County of Monterey. Blair.....	428	667	
303	An Act for the Relief of Samuel A. Bishop and Edward F. Beale. Morrison.....	428		
304	An Act to authorize the construction of a Turnpike Road through the Cajon Pass, in San Bernardino County. Piercy.....	427	701	
305	An Act to prevent the unlawful Publication of the testimony, or facts, in Criminal Cases. Hunter.....	427		
306	An Act to authorize the City and County of San Francisco to protect the Water-Front of said City. Flanders .....	454		
307	An Act to amend an Act entitled An Act to authorize the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, to provide for the Actual and Prospective Deficiency in the Corporation Debt Fund of said City and County,			

## ASSEMBLY BILLS.

Number	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
	for the Fiscal Years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty. Flanders .....	453	673	833
8	An Act to amend an Act entitled An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, as they existed prior to the first day of July, A. D. eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight. Flanders.....	454	673	833
9	An Act to authorize the modification, or alteration, of the Grades of certain Streets in the City of San Francisco. Flanders.....	454	480	673
0	An Act to amend An Act fixing the time when General Laws shall take effect. Conness .....	454	486	591
1	An Act providing for the Permanent Improvement of the Stock Grounds of the Agricultural Society. Conness.....	484	688	777
2	An Act making Appropriations for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one. Laspeyre .....	485	485	586
3	An Act to define the Boundaries, and provide for the Organization, of Lake County. Committee on Counties.....	475	650	833
4	An Act amendatory of, and supplemental to, an Act entitled An Act concerning Marks and Brands, approved May first, eighteen hundred and fifty-one. Stearns .....	370		757
5	An Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at Private Sale. Campbell .....	403	780	833
6	An Act to amend An Act concerning the Indigent Sick in Placer County. Munday.....	484		
7	An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Coleman.....	485		
8	An Act to fix the Compensation of the County Judge of San Luis Obispo County, and to repeal, in part, the First Section of an Act entitled An Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May seventeenth, eighteen hundred and fifty-three. Johnson.....	485	783	853
19	An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund. Morgan .....	485	723	776
20	An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty. Munday.....	484	595, 719	706
31	An Act for the observance of the Sabbath. Briggs.....	485	894	
32	An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes, approved April thirteenth, eighteen hundred and fifty-nine. Baechtel.....	484	674	756
23	An Act to amend Section Twelve of An Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine. Baechtel.....	484	674	715

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Enrolled.....
324	An Act concerning Roads and Highways in the County of Mendocino. Baechtel.....	484	785	■
325	An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Banks.....	485		
326	An Act to regulate and license Intelligence Offices in the City and County of San Francisco. Tilton.....	485	780	■
327	An Act to provide for the creation of the County of Tejon. Morrison.....	485		
328	An Act to amend an Act entitled An Act to provide for the better encouragement of the culture of the Vine and Olive, approved April eleventh, eighteen hundred and fifty-nine. Morrison.....	485	783	■
329	An Act to amend Section Thirty-Six of an Act entitled An Act to repeal An Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento. Curtis.....	485	582	■
330	An Act authorizing John A. Rudisill to construct a Turnpike, or Gravel Road, from the City of Petaluma to Rudisill's Landing in the County of Sonoma. Ross.....	484		
331	An Act to amend An Act regulating Marriages, passed April twenty-second, eighteen hundred and sixty-one. Ross.....	506		
332	An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento. Powell.....	506	736	■
333	An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one. Miller.....	506	507	■
334	An Act to provide for the payment of the claim of W. W. Upton for certain services therein mentioned. Powell.....	506	780	■
335	An Act for the relief of Thomas B. Ludlum. Morgan.....	530		
336	An Act for the relief of Thomas R. Eldridge. Committee on Claims.	528	661	■
337	An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two. Baechtel.....	530	674	■
338	An Act to authorize Martin T. Smith to construct and maintain a Wharf at Fishing Rock in Mendocino County. Baechtel.....	530	780	■
339	An Act to encourage the cultivation of Cotton in this State. Fargo	530		
340	An Act to authorize the Board of Supervisors of Alameda County to compromise and settle with the Sureties of Charles C. Breyfogle, late Treasurer of said County. Fargo...	530		
341	An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of Harrison Street, in said City and County. Tilton.....	531		
342	An Act to authorize the Administratrix of the Estate of Julius Lyons, deceased, to sell the Property belonging to said Estate, either at public, or private, sale. Crocker.....	530	722	■
343	An Act to make certain Offices of Solano County Salaried Offices.	530	600	■

## EMBLEM BILLS.

TITLE.	Introduced....	Passed Assembly.....	Passed Senate
An Act to provide for the better support of Common Schools in Contra Costa County. Porter.....	531	705	820
An Act for the purchase and preservation of Public Newspapers. O'Brien.....	530	730	
An Act to amend an Act entitled An Act concerning Divorces, passed March twenty-fifth, eighteen hundred and fifty-one.....			
An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road Purposes in said County for the year eighteen hundred and sixty-one. Porter.....	531	676	757
An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five.	534		
An Act for the relief of Jeremiah Callahan. White.....	532		
An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases. Flanders .....	534	730	820
An Act to amend an Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty. Magruder .....	532	680	876
An Act to amend An Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one. Montgomery.	532	731	
An Act to exempt certain Property of the Turn Verein Association of Sacramento from Taxation. Curtis .....	532		
An Act for the relief of B. F. Marshall. Committee on Claims...	579		
An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson. Morrison.....	533	716	819
An Act amendatory of An Act to make certain Offices in Tuolumne County Salaried Offices, approved February twenty-second, eighteen hundred and sixty-one. Patrick.....	532	637	706
An Act to create the University of the State of California, and to provide for its Organization. Burnell.....	533		
An Act supplemental to an Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Scott.....	533		
An Act to authorize John Atkinson, of Placer County, to remove the Remains of Deceased Persons. Harrison.....	533	593	653
An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last Will and Testament of Edward H. Hall, deceased, with power to sell and convey certain Real Estate and Personal Property at public, or private, sale. Ross.....	533	663	776
An Act to authorize the City of Sonoma to compromise controversies relative to City Property, and to sell Lands. Ross.....	533	730	833
An Act amendatory of An Act concerning Lawful Fences. Magruder .....	532	735	905

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly by .....	Passed Senate by .....
363	An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto. Montgomery.....	592		
364	An Act to allow Isidor Burns, or his assigns, to construct Wharfs midway between Mission and Market Streets in the City and County of San Francisco. Piercy.....	593		
365	An Act to amend an Act to authorize the Location of the Town-Site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine. Buell.....	592		
366	An Act to authorize Rachel Bonds, Administratrix of the Estate of George M. Bonds, deceased, to sell the Real Estate of the late George M. Bonds, at public, or private, sale. Amyx.....	592		
367	An Act amendatory and supplemental to An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing the compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty. Conness.....	601	601	
368	An Act authorizing the transcribing of certain Records in the County of Amador. Horrell.....	593	830	
369	An Act to prohibit the forced sale of Mining Claims. Harrison...	593		
370	An Act relating to the office of Tax Collector in the County of Shasta. White.....	601	655	
371	An Act amendatory of An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State, approved April twenty-first, eighteen hundred and fifty—, and of the Act amendatory thereof, approved April eighteenth, eighteen hundred and fifty-nine. Laspeyre.....	601		
372	An Act to amend An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof. Tittel ....	601		
373	An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo. Johnson.....	601	783	
374	An Act to provide for the collection of Delinquent Taxes in the County of Amador. Burnell.....	601	601	
375	An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five. Piercy.....	601	783	
376	An Act for the relief of Thomas R. Eldridge, Assignee of Miguel R. Smith. Committee on Claims.....	605	635, 667, 705, 667	
377	An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County. Sorrel.....	605		
378	An Act to authorize John J. Parcells and such other persons as he may associate with him, and his and their assigns, to construct a Wharf at the foot of Howard Street, in the City and County of San Francisco, and have the proceeds thereof ten years. Showalter .....	639		
379	An Act to legalize the Acts of the Surveyor of the County of Siskiyou in defining the Northern Boundary Line of said County.	639	791	



## SEMBLY BILLS.

	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
0	An Act authorizing the holding of Special Terms of the District Court in the Counties of Amador and Calaveras. Horrell.....	687	687	664
1	An Act for the relief of John Duane. Flanders.....	639	739	742
2	An Act to amend an Act entitled An Act to amend Section One of an Act entitled An Act to provide Revenue for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills and other matters, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April twenty-sixth, eighteen hundred and fifty-eight. Morrison.....	651		
33	An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and sixty. Laspeyre..	641	799	853
34	An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County. Wood of Plumas .....	647	699	739
85	An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco to reissue certain Bonds of the City and County of San Francisco to Noah C. Efford. Cherry...	641	811	819
36	An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery. Powell.....	651	670	756
37	An Act to provide for the recovery of the possession of Land by Summary Proceedings. Tittel .....	641	828	893
38	An Act authorizing the construction of a Wagon Road over the Coast Range of Mountains in San Luis Obispo County. Johnson	651	666	706, 833
39	An Act respecting the Rights and Duties of Landlords and Tenants. Tittel .....	641	803	892
80	An Act concerning Jurors in the City and County of San Francisco. Campbell.....	651	871	905
391	An Act concerning Roads and Highways in El Dorado County. Green .....	641		
392	An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City of Marysville. Hanson	651		
393	An Act to incorporate District Agricultural Societies, and to appropriate Money for their support. Haun .....	641	703	809
394	An Act concerning Hogs running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first of October in each year. Porter.....	647	670	756
395	An Act authorizing the re-Survey of a portion of the City of San Francisco. Flanders .....	639		
396	An Act granting to William Fitzpatrick and his Associates the right to construct a Railroad. Porter.....	647	701	747
397	An Act to amend An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Laspeyre.....			
398	An Act concerning Estates of Deceased Persons. Harriman .....	651		
399	An Act to provide for the construction of a Road in the County of San Bernardino. Piercy .....	641		

## ASSEMBLY BILLS.

Number.....	T I T L E .	Introduced....	Passed Assembly.....	Passed Senate.....
400	An Act to regulate Proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty-one. Harriman.....	651		
401	An Act to authorize Davis D. Reeve, John B. Leman, and James M. Lemmon, to build a Wharf in Suisun City, in Solano County. Holman .....	641	723	2
402	An Act to amend An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Morrison.....	651		
403	An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to this State by Act of Congress. Smith of Tulare .....	656		
404	An Act in relation to Agricultural Societies. Fargo.....	657		
405	An Act supplementary to, and amendatory of, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved April twenty-eighth, eighteen hundred and sixty. Smith of Tulare .....	656		
406	An Act to define the Boundary Line between the Counties of Sonoma and Marin. Ross.....	670	670	99
407	An Act to authorize and empower David Green Savill, and such other persons as he may associate with him, and his and their assigns, to construct Wharfs in the City and County of San Francisco, at the foot of Chestnut and Harrison Streets, and have the proceeds thereof.....	666		
408	An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public, or private, sale. Tilton.....	665	666	19
409	An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of Santa Barbara, of Lands belonging to said Pueblo and City. Covarrubias .....	666	782	85
410	An Act to Incorporate the City of Santa Barbara. Covarrubias....	666	864	
411	An Act to define and establish the Boundary Line of the City of Sonora. Patrick.....	676	678	85
412	An Act to amend An Act concerning Crimes and Punishments.	676		
413	An Act amendatory of An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight. Adams....	673	799	
414	An Act concerning the Salaries and Compensation of certain County Officers. Harris.....	673	734	
415	An Act to amend An Act to separate the Offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the Office of County Clerk, in the County of Placer. Harriman.....	676	679	83
416	An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State. Magruder .....	673	751	87
417	An Act concerning certain Street Assessments in the City of Sacramento. Crocker.....	683	737	73

## SEMBLY BILLS.

	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
3	An Act to enable the Kirk's Pass Coal Company to make a Railroad from its Mines. Fargo.....	682		
9	An Act conferring further Powers upon the Board of Supervisors of Alameda County. Fargo.....	682		
0	An Act authorizing the Board of Supervisors of the City and County of San Francisco to modify and change the present adopted Grade of certain Street Crossings in said City. Flanders.....	683		854
1	An Act to provide for the appointment of a Commissioner to the World's Fair in London. Fargo.....	683		
2	An Act to amend an Act entitled An Act to amend an Act entitled An Act for the relief of Insolvent Debtors and protection of Creditors, approved May fourth, eighteen hundred and fifty-two. Curtis.....	683		
3	An Act supplementary to an Act entitled An Act concerning Hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, passed April twenty-first, eighteen hundred and fifty-six. Buell.....	722		
4	An Act to amend an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento. Curtis.....	685	780	
25	An Act to amend an Act to amend an Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges, approved April twenty-fourth, A. D. eighteen hundred and fifty-eight. Magruder.....	685	704	
26	An Act to fix the time for holding certain Courts in Yolo County.	685		777
27	An Act for the relief of Benjamin S. Birch. Baechtel.....	685		
28	An Act to provide Revenue for the support of the Government of this State. Committee of Ways and Means.....		766	875
29	An Act to authorize the Guardian of Francis William Paty to sell and convey certain Real Estate. Campbell.....	700	708	776
30	An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one. Cherry.....	700	726	832
31	An Act to provide for the recovery of the possession of Lands, in certain cases, in this State, and for the protection of Settlers. Briggs.....	700		
32	An Act appropriating Money for the payment of John B. Brady for services rendered as Assistant Engrossing Clerk of the Assembly during the Eleventh Session of the Legislature. Green.....	701	800	875
33	An Act to prevent the catching of Trout at certain seasons of the year. Gordon.....	700		
34	An Act to amend An Act for the Government and Protection of Indians. Morrison.....	701	736	
35	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims. Fargo.....	701		

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate
436	An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations payable out of the Current Expense Fund of said County, for purposes therein named. Blair..	701	794	853
437	An Act to change the name of Lake Bigler to that of Tula Tulla Haun.....	700		
438	An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-five. Campbell.....	700	812	863
439	An Act entitled An Act supplementary to an Act entitled An Act granting the Right of Way over certain Lands of this State, in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty. Campbell.....	700	738	776
440	An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed May seventh, eighteen hundred and fifty-five. Campbell.....	700	829	886
441	An Act giving the consent of the Legislature to the distribution of the surplus Capital Stock of a Corporation. Curtis.....	701		729
442	An Act to authorize Silas A. Storm and J. J. Papy to construct and maintain a Wharf in the City and County of San Francisco. Gillette.....	703		
443	An Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representatives thereof. Special Committee.....	714	816	899
444	An Act to apportion the Senatorial and Assembly Districts of the State. Minority of Special Committee.....	714		
445	An Act to confer further powers upon the Board of Supervisors of Siskiyou County. Sorrel.....	716	722	753
446	An Act concerning Records of Deeds and Duties of certain Officers in the County of Contra Costa. Porter .....	716	720	845
447	An Act to authorize the Trustees of Petaluma to levy a Tax to refund certain Moneys paid by the late Trustees of said District. Ross .....	716	716	733
448	An Act in relation to Sutter Creek, in the Town of Ione City and Vicinity, and to define the Boundaries and Width thereof. Bunnell .....	716	719	736
449	An Act fixing the Salary of the County Judge of Mariposa County. Gregory .....	715	791	809
450	An Act to exempt the Property of Mokelumne Lodge, I. O. O. F. from Taxation. Lippincott.....	715		
451	An Act to authorize Franklin Birdsall, Executor of the last Will and Testament of George W. Birdsall, deceased, to sell the Real Estate of said deceased at private sale. Magruder.....	716	799	809
452	An Act to amend An Act concerning the Government of the City of Marysville, approved March tenth, eighteen hundred and sixty. Magruder.....	716	719	747

## IMBLY BILLS.

TITLE.	Introduced....	Passed Assembly.....	Passed Senate
An Act to grant the right to construct a Turnpike Road between the Town of Mokelumne Hill and a point on the Road to Stockton, at, or near, the Golden Gate Ranch, in the County of Calaveras. Lippincott .....	716	768	809
An Act to Incorporate the City of Stockton. Laspeyre.....	715		
An Act amendatory of, and to extend the provisions of An Act to amend An Act to exempt the Homestead and other Property from Forced Sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty. Adams .....	722	726	
An Act concerning Fees in certain Counties. Briggs.....	722	728	741
An Act to require and enable the County of Alameda to refund a portion of the interest recovered of the County of Contra Costa on the Debt of T. C. Gilman, contracted prior to March twenty-third, eighteen hundred and fifty-three. Porter.....	722		
An Act to amend An Act concerning the Officers of Calaveras County and the collection of Poll Taxes, License Taxes, and Foreign Miner's Taxes, in said County, passed February twenty-sixth, eighteen hundred and fifty-nine. Childs.....	721	755	789
An Act to authorize R. M. Williams to remove certain Human Remains. Conness .....	721	721	826
An Act to amend Section One of An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto. Conness .....	725	792	898
An Act to condemn certain Streets and Alleys for the use of California State Agricultural Society. Powell.....	729	735	747
An Act supplementary to an Act entitled An Act to provide for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matters, approved April twenty-ninth, eighteen hundred and fifty-seven. Johnson.....	729		
An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company. Sorrel .....	736	762	797
An Act to legalize the Ordinances, and all Official Acts, of the Board of Trustees of the City of Sonoma. Patrick .....	736	740	758
An Act for the relief of Iredell M. Hart. Sorrel.....	739	751	
An Act to authorize the construction of a Wagon Road across the Contra Costa Mountains. Fargo .....	740	750	
An Act to authorize John F. Pope to sell certain Real Estate. Campbell.....	740	811	898
An Act to exempt certain Property of the Trustees of the Society of California Pioneers. Campbell .....	740		
An Act to amend the Thirty-First Section of the Act defining the time for the commencing of Civil Actions, passed April twenty-second, eighteen hundred and fifty. Campbell.....	740	828	898
An Act to authorize certain parties therein named to construct a Wharf on Petaluma Creek, in the County of Sonoma. Ross.....	747	747	758

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
471	An Act amendatory of an Act entitled An Act to provide for the location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, passed April second, eighteen hundred and fifty-nine .....	747		
472	An Act to give effect to an Act therein named. Cherry .....	748	748	5
473	An Act to provide for the Enumeration of the Inhabitants of this State. Conness.....	748		
474	An Act supplementary to an Act entitled An Act to Incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine. Hunter.....	748	748	7
475	An Act to authorize the re-issue of a certain lost School Land Warrant. Wood of Plumas.....	748		
476	An Act to authorize the Board of Supervisors of the County of Los Angeles to make an Appropriation, for the purpose of assisting in the construction and finishing the Road known as the "Santa Barbara and Los Angeles Road," through the Simi Pass. Stearns .....	748	748	1
477	An Act in relation to the Attorney-General of this State. White....	748		
478	An Act relating to the Board of Fund Commissioners of the City and County of San Francisco. Flanders.....	748		
479	An Act for the relief of James C. Pennie. Morrison.....	748	888	5
480	An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax. Curtis.....	747	799	9
481	An Act to amend an Act entitled An Act concerning the Indigent Sick in the County of Placer, approved April twenty-seventh, eighteen hundred and fifty-seven. Harrison.....			7
482	An Act to authorize the Board of Supervisors of the County of San Bernardino to audit and allow the Claim of V. J. Herring. Piercy .....	759	759	9
483	An Act to authorize Moses Heath and his Associates to construct Wharfs in the City and County of San Francisco. Baechtel.....	759		
484	An Act conferring certain Powers on Public Administrators. Wood of Yolo.....			
485	An Act amendatory of, and supplementary to, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Offices therein mentioned, approved April twenty-second, eighteen hundred and sixty-one. Tilton.....	759	759	11
486	An Act to authorize the Issuance of Duplicates for certain lost War Bonds. Powell.....	759		
487	An Act to authorize parties therein named to build and construct a Turnpike Road, and to construct a Bridge across the South Fork of Mokelumne River. Childs.....	766	849	54
488	An Act for the better Protection of the Water Front of San Francisco. Ross .....	768		
489	An Act to enable certain Persons to establish a Ferry between Gill's Landing, in Contra Costa County, and Point San Quentin, in Marin County. Gillette.....	779		

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate
90	An Act for the relief of Alameda County. Fargo.....	779		
91	An Act to authorize a Settlement with the Auctioneers of this State, and a discharge of the demands and claims of the State against them. Cherry.....	779		
92	An Act conferring further Powers on the Board of Supervisors of the City and County of Sacramento. Powell.....	779	812	819
93	An Act to audit the Claim of P. Della Torre. Curtis.....	779	834	898
94	An Act for the relief of Charles E. Curtis. Harris....	779		
95	An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County, and to provide for the Payment of the same and other matters relating thereto. Stearns.....	779	789	853
96	An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars for the construction of a Railroad in the County of Los Angeles, and to provide for the Payment of the same, and other matters relating thereto. Stearns.....	779	789	853
97	An Act to establish a State Normal and Model School, and to promote the cause of Education in this State. Blair.....	782		
98	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the claim of John H. Shepard. Cherry.	783	796	809
99	An Act to define the Boundary Line between the Counties of Sonoma and Napa. Ross.....	782	811	
500	An Act to authorize William G. Monroe, his heirs and assigns, to construct a Wharf at the foot of Lombard Street in the City and County of San Francisco. Harriman.....	783		
501	An Act concerning the office of Coroner of the City and County of Sacramento. Powell.....	790		
502	An Act amendatory of, and supplementary to, an Act entitled An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled An Act to Incorporate the City and County of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight. Curtis.....	790	822	876
503	An Act to liquidate an equitable Claim against the City and County of Sacramento. Powell.....	790		
504	An Act concerning certain Trade-Marks Powell.....	816	883	
505	An Act to provide for the Establishment of a Branch State Prison. Curtis.....	790		
506	An Act to provide for the erection of a State Prison at, or near, the Town of Folsom. Powell.....	790	857	
507	An Act amendatory of, and supplementary to, an Act entitled An Act for the erection of a Building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty. Conness.....	790	799	

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate
508	An Act amendatory of an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Horrell....	793	847	808
509	An Act supplementary to An Act to prevent the trespassing of Animals upon Private Property, approved May thirty-first, eighteen hundred and fifty-five. Stearns.....	791	824	873
510	An Act supplementary to An Act passed May eleventh, eighteen hundred and fifty-three, entitled An Act in relation to Personal Mortgages in certain cases, and the several Acts amendatory thereof, and supplementary thereto. Curtis.....	796	839	
511	An Act to define the Congressional Districts of this State, and to fix the Time of electing Members of Congress. Apportionment Committee.....	799		
512	An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the Payment of the same. Johnson.....	797		
513	An Act to regulate the Publication of Notices of Application to the Legislature. Childs.....	798		
514	An Act fixing the Time of holding the Terms of the County Court and Court of Sessions in and for the County of Stanislaus. Walden.....	798		905
515	An Act relative to certain School Moneys in the County of Solano. Holman.....	798	816	854
516	An Act to authorize the Superintendent of Public Instruction of the County of Alameda to appoint a Deputy, and to grant him Leave of Absence. Fargo.....	807		
517	An Act in relation to the County Officers of the County of Sierra. Wright.....	807	807	833
518	An Act to provide for taking the Sense of the People of San Mateo County upon the Removal of the County Seat. Denniston.....	807	815	
519	An Act concerning the Infant Heirs of Wm. M. Stockton, deceased. Morrison.....	807	839	905
520	An Act to legalize the Levy of State and County Taxes for the Year eighteen hundred and sixty-one, in San Luis Obispo County. Johnson.....	822	822	823
521	An Act granting to Thomas Harrigan and his Assigns the right of laying a Railroad Track on certain Streets in the City and County of Sacramento. Curtis.....	822	824	853
522	An Act exempting Insurance Companies incorporated under the Laws of this State, from the Payment of Stamp Duties. Banks.....	822		
523	An Act making assayed Gold Bars a Legal Tender. Morrison.....	822		
524	An Act to appropriate Money for the Contingent Expenses of the Assembly for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one. Campbell.....	822		
525	An Act to authorize the Board of Supervisors of the City and County of San Francisco to Pay Robert E. Kerrison, Assignee of Richard Parr. Flanders.....	822	839	



## MBLY BILLS.

TITLE.	Introduced....	Passed Assem- bly.....	Passed Senate
An Act granting to certain Persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County Shore. Campbell.....	827	861	876
An Act submitting to the Qualified Electors of Tulare County the question of permitting Hogs to run at large in certain portions of said County. Smith of Tulare.....	826	881	884
An Act to authorize the construction and maintenance of a Wharf in the County of Contra Costa. Porter.....	827	881	884
An Act to amend Section Two of An Act concerning the Office of Public Administrator, passed April fifteenth, eighteen hundred and fifty-one. Gordon.....	827	884	889
An Act to repeal an Act entitled An Act to confer further Powers on the Board of Education, and the Treasurer of the City and County of San Francisco, passed April eighteenth, eighteen hundred and fifty-nine. Banks.....	827	847	888
An Act amendatory of an Act entitled An Act to regulate Elections, passed March twenty-eight, eighteen hundred and fifty. Fargo..	827		
An Act to fix the Compensation of the District Attorney of Sierra County. Wright.....	887	887	884
An Act to Incorporate the City of Oakland. Fargo .....	845	845	
An Act in relation to Public Roads in the County of El Dorado and the Road Fund of said County. Conness.....	845	845	876
An Act supplementary to, and amendatory of, an Act entitled An Act in relation to the Militia of the State, approved May ninth, eighteen hundred and sixty-one. Committee on Military Affairs.....		856	876
An Act to repeal An Act to Fund the Debt of the County of Solano, and to provide for the payment thereof, passed April twenty-fourth, eighteen hundred and fifty-four. Holman.....	845	845	
An Act declaring certain Creeks in Marin County navigable. Gordon .....	845	845	875
An Act to amend an Act entitled An Act to prohibit Gaming, passed March seventh, eighteen hundred and sixty. Blair.....	845	845	
An Act concerning Claims against the City and County of Sacramento. Curtis .....	845		
An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one. Banks .....	845	881	888
An Act to audit and allow the Claim of the late Terrence Foley. Powell .....	849		
An Act supplementary to an Act entitled An Act to annex a portion of San Joaquin County to Stanislaus County, approved February seventeenth, eighteen hundred and sixty. Laspeyre.....	845		
An Act to quiet Land Titles in the City and County of San Francisco. Flanders .....	858		
An Act to authorize Caroline Butterfield, widow of David Butter-			

## ASSEMBLY BILLS.

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
	field, late of Siskiyou County, deceased, to convey certain Property therein stated. Conness .....	856	858	875
545	An Act to appropriate Money to pay the Claim of J. C. Pelton. Haun.....	858	875	883
546	An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. G. Tomlinson the right to construct a Wagon Road from the City of San Bernardino to Bear and Holcombe Valleys, in said County. Piercy.....	864	864	878
547	An Act making appropriations for the support of the Civil Government of this State for the Thirteenth Fiscal Year. Committee of Ways and Means.....	861	873	906, 914
548	An Act amendatory of, and supplementary to, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April eighteenth, eighteen hundred and fifty-nine. Flanders.....	864	870	883
549	An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co. Horrell.....	859	879	
550	An Act to authorize the taking of Depositions in Foreign Countries Campbell .....	858	889	905
551	An Act to amend an Act entitled An Act to authorize José de Jesus Pico to sell certain Land in San Luis Obispo County belonging to his Infant Children, passed April thirteenth, eighteen hundred and sixty. Johnson.....	885	885, 889	
552	An Act amendatory of An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Asamador, approved April fifth, eighteen hundred and sixty-one. Burnell .....	876		875
554	An Act to repeal an Act entitled An Act to authorize the incorporation of the City of San Bernardino, passed April thirteenth, eighteen hundred and fifty-four. Piercy.....	878	878	883
555	An Act granting certain persons the right to construct and maintain a Railroad through certain Streets in the City of Oakland. Fargo .....	880	880	890
556	An Act to provide for the revival, re-enactment, and amendment, of An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to compensate the Owners of Land taken for that purpose, approved April twenty-eighth, eighteen hundred and sixty. Laspeyre.....	906	906	911
557	An Act to repeal an Act entitled An Act to Fund the Debt of Solano County, and to provide for the Payment of the same, passed April twenty-fourth, eighteen hundred and fifty-four. Holman.....	909	909	913
558	An Act supplementary to An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco, passed May thirteenth, eighteen hundred and sixty-one. Campbell.....	914		
559	An Act supplementary to, and amendatory of, an Act entitled An Act relating to the War Debt of this State, approved May sixth, eighteen hundred and sixty-one. Conness.....	912		

## ASSEMBLY CONCURRENT RESOLUTIONS.

## ASSEMBLY CONCURRENT RESOLUTIONS.

Number	TITLE.	Introduced
1	Relative to Organization. Magruder.....	83
2	Relative to printing Governor's Message. Conness.....	131
3	Relative to leave of absence to W. A. January. Hunter.....	134
4	Relative to Mail from San Luis Obispo to Visalia. Johnson.....	135
5	Relative to the State of the Union. Patrick.....	135
6	Relative to expunging the Broderick Resolutions. O'Brien.....	135
7	Relative to Mail-Route in San Diego. Kurtz.....	140
8	Relative to printing Governor's Message. Kurtz.....	140
9	Relative to the State of the Union. Dougherty.....	140
10	Relative to Leave of Absence to R. McGarvey. Laspeyre.....	144
11	Relative to Mail-Routes. Wood of Plumas.....	144
12	Relative to the State of the Union. Munday.....	145
13	Relative to the Constitutional Convention question. Conness.....	145
14	Relative to Printing Governor's Message. Judiciary Committee.....	151
15	Relative to the Journals. Patrick.....	170
16	Relative to Joint Committee on Federal Relations. White.....	169
17	Relative to Census Returns. Cherry.....	173
18	Relative to certain Mail-Routes. Morrison.....	174
19	Relative to Mail-Routes in Mendocino County. Baechtel.....	174
20	Relative to the State of the Union. Blair.....	174
21	Relative to Translation of Laws into Spanish. Covarrubias.....	177
22	Relative to leave of absence to G. T. Martin. Gillette.....	178
23	Relative to donation of Lands, by Congress, for Roads, etc. Briggs.....	180
24	Relative to Mail-Routes. Durst.....	185
25	Relative to the State of the Union. Johnson.....	183
26	Relative to the State of the Union. Conness.....	193
27	Relative to the State of the Union. Sorrel.....	193
28	Relative to Hon. E. D. Baker. Fargo.....	190
29	Relative to Pony Express. Gillette.....	196
30	Relative to indorsing S. A. Douglas. Childs.....	197
31	Relative to Appropriations for certain Mail-Routes. Wood of Plumas.....	214

## ASSEMBLY CONCURRENT RESOLUTIONS.

Number.....	TITLE.
32	Relative to indorsing the Crittenden Resolutions. Wood of Plumas.....
33	Relative to indorsing the Crittenden Compromise. Harris.....
34	Relative to the Honey Lake Road. Wood of Plumas.....
35	Relative to the Office of Quartermaster-General. Tittel.....
36	Relative to Adjournment.....
37	Relative to Revenue. Conness.....
38	Relative to Arms for the State. Tittell.....
39	Relative to Paying for certain Translations into Spanish. Covarrubias.....
40	Relative to Election of Officers of the State Insane Asylum. White.....
41	Relative to the Butterfield Route. Blain.....
42	Relative to the Donation of certain Lands for the Indians in Los Angeles County. Montgomery .....
43	Relative to proposed Amendments to the Constitution. Haun.....
44	Relative to a Joint Convention. Lippincott.....
45	Relative to Protection of Miners. Harrison.....
46	Relative to Investigating Committee. Fargo.....
47	Relative to Commissioners on the Grape-Vine. Morrison.....
48	Relative to Apportionment. Fargo.....
49	Relative to Joint Convention for Election of Trustees of Insane Asylum. Foster.....
50	Relative to Public Buildings and Grounds. Buell.....
51	Relative to Boundary between Honey Lake Valley and Nevada Territory. Wood of Plumas.....
52	Relative to cession of Lands by Congress to this State for Railroad purposes. Wood of Plumas.....
53	Relative to Overland Mail and Telegraph. Fargo.....
54	Relative to Walter R. Gibson. Fargo.....
55	Relative to leave of absence to S. H. Brooks. Crocker.....
56	Relative to State Capitol Building. State Prison Committee.....
57	Relative to National Convention. Kungle.....
58	Relative to World's Fair in London. Fargo.....
59	Relative to Destroying War Bond Coupons. Conness.....
60	Relative to Leave of Absence of E. Burke. Showalter.....
61	Relative to an Appropriation by Congress for payment of the J. C. Hays Expedition. Committee on Claims.....
62	Relative to the State of the Union. Johnson.....

## SEMBLY CONCURRENT RESOLUTIONS.

TITLE.	Introduced....
Relative to the Collation of the Land Laws. Conness.....	863
Relative to Printing Land Laws. Conness.....	863
Relative to the Recognition of the Confederate States. Kungle.....	914













